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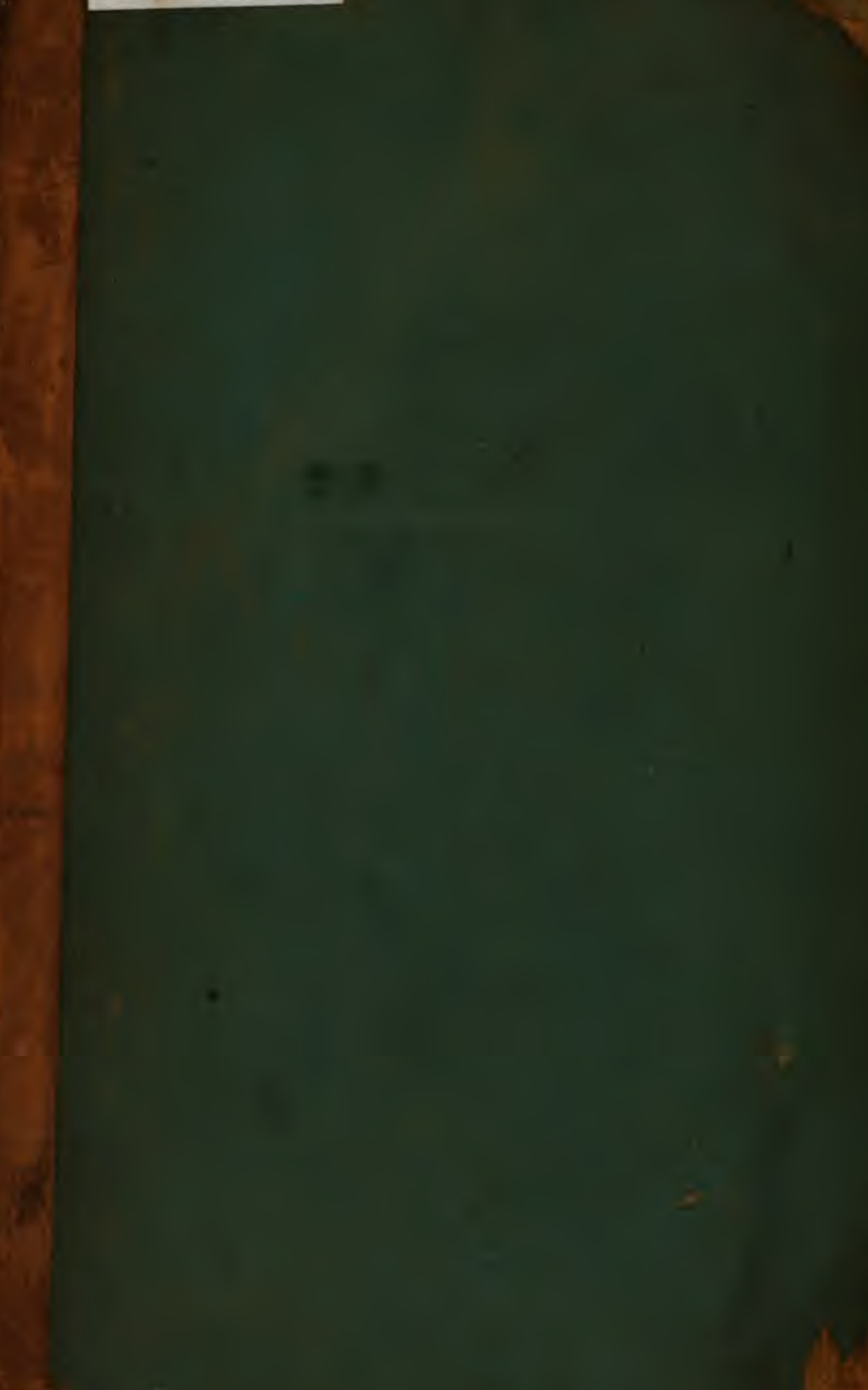
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JOURNAL  
OF THE  
SENATE

OF THE  
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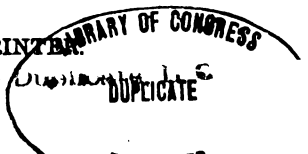
AT THEIR  
ONE HUNDREDTH SESSION.

BEGUN AND HELD AT THE CAPITOL, IN THE CITY OF ALBANY, ON THE SECOND  
DAY OF JANUARY, 1877.



JEROME B. PARMENTER, STATE PRINTER.

1877.





# JOURNAL OF THE SENATE.

## STATE OF NEW YORK :

SENATE CHAMBER, IN THE CITY OF ALBANY,  
TUESDAY, JANUARY 2, 1877.

Pursuant to the sixth section of the tenth article of the Constitution of the State of New York, designating the first Tuesday in January in each year for the time of the meeting of the Legislature, the Hon. Wm. Dorsheimer, Lieutenant-Governor, and the following Senators from the several districts of the State, appeared in the Senate, to wit:

District Number One .....	John R. Kennaday.
District Number Two .....	John C. Jacobs.
District Number Three .....	
District Number Four .....	
District Number Five .....	
District Number Six .....	
District Number Seven .....	James W. Gerard.
District Number Eight .....	Francis M. Bixby.
District Number Nine .....	Wm. H. Robertson.
District Number Ten .....	
District Number Eleven .....	B. Platt Carpenter.
District Number Twelve .....	Thomas Coleman.
District Number Thirteen .....	Hamilton Harria.
District Number Fourteen .....	Augustus Schoonmaker, Jr.
District Number Fifteen .....	
District Number Sixteen .....	Franklin W. Tobey.
District Number Seventeen .....	Darius A. Moore.
District Number Eighteen .....	James A. Starbuck.
District Number Nineteen .....	Theodore S. Sayre.
District Number Twenty .....	David P. Loomis.
District Number Twenty-one .....	Benjamin Doolittle.
District Number Twenty-two .....	Dennis McCarthy.
District Number Twenty-three .....	William C. Lamont.
District Number Twenty-four .....	John H. Selkreg.
District Number Twenty-five .....	William B. Woodin.
District Number Twenty-six .....	
District Number Twenty-seven .....	George B. Bradley.
District Number Twenty-eight .....	William N. Emerson.
District Number Twenty-nine .....	Dan H. Cole.
District Number Thirty .....	Abijah J. Wellman.
District Number Thirty-one .....	
District Number Thirty-two .....	Commodore P. Vedder.



Prayer by Rev. Dr. Halley.

Hon. Alfred Wagstaff, Jr., Senator from the Fifth District, elected to fill the vacancy caused by the death of Hon. James W. Booth, appeared in the Senate and took and subscribed the constitutional oath of office.

Hon. E. Carlton Sprague, Senator from the Thirty-first district, elected to fill the vacancy caused by the resignation of Hon. Sherman S. Rogers, appeared in the Senate and took and subscribed the constitutional oath of office.

The President then arose and addressed the Senate as follows :

**SENATORS.**—I have again been charged with the duty of presiding over your deliberations. In assuming this office, I may believe that my past experience will enable me to be more useful to you, and I am sure that I may expect a continuance of the generous indulgence which I have already received at your hands. It is not necessary that I should endeavor to impress upon you the importance of the relations you hold to the government of the State. New York enters upon the second century of our national existence with nearly twice the population which the colonies had when independence was declared. According to the ratio of European growth during the last century, the second centennial will find there not less than twenty millions of people, descendants of all the European races, and presenting an unusual diversity and variety of interests and pursuits. I venture to remind you that you act not for yourselves, nor for this time alone, but that what you do here will have an influence upon all the great future of New York.

Mr. McCarthy offered the following :

*Resolved*, That a committee of two be appointed to wait upon his Excellency the Governor, and inform him that the Senate is organized and ready to proceed to business.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The President appointed as such committee Messrs. McCarthy and Gerard.

Mr. Vedder offered the following :

*Resolved*, That a committee of two be appointed to wait upon the Honorable the Assembly, and inform that body that the Senate is organized and ready to proceed to business.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The President appointed as such committee Messrs. Vedder and Kennaday.

Mr. Cole offered the following :

*Resolved*, That A. Judson Shelley be appointed clerk of the committee on canals, and Franklin Andea, messenger of the same ; their appointment to continue during the session of 1877.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Tobey
Carpenter	Harris	Robertson	Vedder
Cole	Jacobs	Sayre	Wagstaff
Coleman	Kennaday	Selkreg	Woodin
Doolittle	Loomis	Starbuck	

Mr. Harris offered the following:

*Resolved*, That Rev. Dr. Ebenezer Halley be appointed Chaplain of the Senate for the present session, and that his compensation be the same as that paid for similar services at the last session, viz., \$500 for the session.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Birby	Gerard	McCarthy	Starbuck
Carpenter	Harris	Moore	Tobey
Cole	Jacobs	Robertson	Wagstaff
Coleman	Lamont	Sayre	Woodin
Doolittle	Loomis	Selkreg	19

Mr. Harris offered the following:

*Resolved*, That Andrew G. Draper be appointed clerk, and Henry A. Allen, messenger, of the committee on finance, during the session of the Legislature for 1877.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Birby	Gerard	McCarthy	Starbuck
Carpenter	Harris	Moore	Tobey
Cole	Jacobs	Robertson	Vedder
Coleman	Kennaday	Sayre	Wagstaff
Doolittle	Loomis	Selkreg	Woodin 20

Mr. Moore offered the following:

*Resolved*, That the Senate meet daily at eleven o'clock, A. M., until otherwise ordered.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Tobey offered the following:

*Resolved*, That Orlando Kellogg be appointed clerk of the committee on insurance for the session of 1877, and Robert Q. Chahoon, messenger of same committee.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Birby	Gerard	McCarthy	Starbuck
Carpenter	Harris	Moore	Tobey
Cole	Jacobs	Robertson	Vedder
Coleman	Kennaday	Sayre	Wagstaff
Doolittle	Loomis	Selkreg	Woodin 20

Mr. Sayre offered the following:

*Resolved*, That George M. Lowery be and he is hereby appointed clerk to the committee on roads and bridges for the session of 1877.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Birby	Gerard	McCarthy	Tobey
Carpenter	Harris	Moore	Vedder

Cole	Jacobs	Robertson	Wagstaff
Coleman	Kennaday	Sayre	Woodin
Doolittle	Loomis	Selkreg	19

Mr. Vedder offered the following :

*Whereas*, The large assortment of mail and express matter, sent from the Senate, renders additional assistance necessary, therefore,

*Resolved*, That George Martinus be and he is hereby appointed superintendent of mail and express matter for the present session, and that he receive the same per diem and mileage compensation now by law authorized and paid to the assistant postmaster of the Senate, for the session of 1877, and that the said compensation be paid in the same manner that the other officers of the Senate are paid.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Birby	Gerard	McCarthy	Starbuck
Carpenter	Harris	Moore	Tobey
Cole	Jacobs	Robertson	Vedder
Coleman	Kennaday	Sayre	Wagstaff
Doolittle	Loomis	Selkreg	Woodin
			20

Mr. Coleman offered the following :

*Resolved*, That Alfred H. Comstock be and he is hereby appointed clerk to the committee on banks for the session of 1877.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Birby	Harris	Moore	Starbuck
Carpenter	Jacobs	Robertson	Tobey
Cole	Kennaday	Sayre	Wagstaff
Coleman	Lamont	Selkreg	Woodin
Doolittle	Loomis	Sprague	19

The President announced the following appointments :

*President's Clerk* — J. Stanley Browne.

*President's Messenger* — Archie H. Smith.

Mr. Woodin offered the following :

*Resolved*, That a special committee of seven Senators be appointed, to which shall be referred the subject of apportionment of members of the Legislature, under the last enumeration, with instructions to report by bill.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The Clerk announced the following appointment: W. S. Flintham, clerk's and bank messenger, in place of H. L. Glidden, resigned.

Mr. Coleman offered the following :

*Resolved*, That George W. Bull be appointed clerk of the committee on commerce and navigation for the session of 1877.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Birby	Jacobs	Robertson	Tobey
Carpenter	Loomis	Selkreg	Vedder

Cole	McCarthy	Sprague	Wagstaff
Coleman	Moore	Starbuck	Woodin
Doolittle			

17

Mr. Carpenter offered the following:

*Resolved*, That Whitfield Irish be and hereby is appointed messenger to the standing committee on villages, for the session of the Senate for 1877.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Sprague
Carpenter	Harris	Moore	Tobey
Cole	Jacobs	Robertson	Wagstaff
Coleman	Lamont	Selkreg	Woodin
Doolittle	Loomis		

18

Mr. McCarthy, from the committee appointed to wait upon his Excellency the Governor, reported that the committee had performed that duty, and that the Governor would communicate with the Senate by message.

Mr. Jacobs moved that the Senate take a recess until twelve o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

TWELVE O'CLOCK, M.

The Senate again met.

The President announced the appointment of the following as a committee on apportionment of members of the Legislature, under last enumeration: Messrs. Woodin, Sprague, Harris, Moore, Jacobs, Gerard, Starbuck.

Mr. Robertson offered the following

*Resolved*, That Cornelius Kene be appointed clerk of the judiciary committee for the session of 1877.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Sprague
Bradley	Gerard	Moore	Starbuck
Carpenter	Harris	Robertson	Wagstaff
Cole	Jacobs	Sayre	Wellman
Coleman	Lamont	Selkreg	Woodin
Doolittle	Loomis		

22

Mr. Robertson offered the following:

*Resolved*, That the clerk of the Senate make the usual arrangements for the payment of postage on all papers and documents sent through the mail or by express, by any Senator or officer of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Loomis	Selkreg
Bradley	Gerard	Moore	Starbuck
Carpenter	Harris	Robertson	Wagstaff
Cole	Jacobs	Sayre	Wellman
Coleman	Lamont	Schoonmaker	Woodin
Doolittle			

21

Mr. Vedder, from the committee appointed to wait upon the Honorable the Assembly, reported that the committee had discharged the duty intrusted to them.

Messrs. Alvord and Ruggles, a committee from the Assembly, appeared in the Senate and informed the Senate that the Assembly had organized and were ready to proceed to business.

A message was received from the Governor and read, in the words following:

STATE OF NEW YORK,  
EXECUTIVE CHAMBER, *January 2, 1877.* }

*To the Legislature:*

At the commencement of my service as chief magistrate of the State, it is gratifying to find the legislative representatives of the people assembled in their respective chambers and ready to unite with me in such measures as the welfare of our constituents may demand. In entering upon our duties it becomes us to acknowledge our dependence upon the Supreme Power which controls the destinies of States and nations, and which has so often interposed for our deliverance from danger, and humbly to implore a continuance of its guidance and protection.

We ought also at all times to remember that we are not here to promote our own individual interests. The people have not chosen us and sent us to their Capitol for any such purpose. On the contrary, they have placed in our hands a great and sacred trust, to be administered for their benefit and for the interest and honor of the inhabitants of the whole State, without regard to locality, religious creed or political party. The money which they pay into the public treasury is not our money; nor is it the money of the State, except as the people are the State. It still belongs to them until it is paid out by their agents for the legitimate expenses of their government as provided by the Constitution and laws. If a single dollar be otherwise appropriated or paid, it will be a breach of trust for which there can be no justification or excuse. Let us keep these principles constantly before us as we proceed with our respective duties.

## FINANCES.

The accounts of the financial affairs of the State are kept with thirteen different funds, counting the several canal funds as one. The details of the accounts will be found in the Comptroller's report. The following statement exhibits the financial condition of the State at the close of the fiscal year, as it would be if all the funds were condensed into one:

Aggregate balance in the treasury of all the funds, October 1, 1875,	\$8,126,778 98
Aggregate receipts during the fiscal year ending September 30, 1876.....	18,623,986 29
Total.....	\$26,750,765 27
Deduct payments during the year .....	17,827,711 49
Balance in the treasury September 30, 1876.....	<u>\$8,923,053 78</u>

A large proportion of the above balances in the treasury consist of money in the various sinking funds.

The amount of receipts into the treasury on account of the General Fund revenue during the year ending September 30, 1876, was.. \$11,646,517 68  
 The payments, including the deficiency of \$733,863.77 on the 1st of October, 1875, and also \$4,640,849, transferred to the Bounty Debt Sinking Fund, were..... 11,644,982 98  
 Balance September 30, 1876..... \$1,534 65

The balance, although small, is more satisfactory than the large deficits which have almost uniformly appeared for many years past.

#### DEBT.

On the 30th of September, 1875, the total funded debt was \$28,328,-686.40, classified as follows:

General Fund.....	\$3,119,526 40
Contingent .....	68,000 00
Canal .....	10,086,660 00
Bounty.....	15,054,500 00
	<u>\$28,328,686 40</u>

On the 30th of September, 1876, the total funded debt was \$23,315,-898.58, classified as follows:

General Fund.....	\$3,092,238 58
Contingent .....	5,000 00
Canal .....	10,081,660 00
Bounty.....	10,137,000 00
	<u>\$23,315,898 58</u>

Actual reduction of the debt during the year by cancellation... .. \$5,012,787 82

Aggregate amount of debt.....	\$23,315,898 58
Deduct money and securities in the sinking funds.....	14,191,889 50

Total amount of debt after applying sinking funds ..... \$9,124,009 08

The bounty debt will mature on the seventh day of April next. The sinking fund, together with the one-third mill tax, now in course of collection, will be sufficient for its full payment.

The balances in the sinking funds on the 30th September, 1876, including money and securities, were as follows:

General Fund.....	\$2,910,529 36
Canal .....	2,121,050 24
Bounty.....	9,160,309 90
Total.....	<u>\$14,191,889 50</u>

It must be observed, however, that the amount in the General Fund Debt Sinking Fund cannot all be applied to the payment of that debt, without leaving a large deficiency of means for paying the current expenses of the government. The full amount required for the payment of the debt was contributed from the surplus revenues of the canals, as directed by the Constitution, the last contribution having been received in 1873. But instead of being applied to that object, it was used to pay other appropriations made by the Legislature, and not otherwise provided for, and has never been fully restored. The debt, therefore, remains uncanceled, and, if ever paid, it must, to a large extent, be paid by taxation. The whole of it—except \$800,000, due in 1878, and

\$30,443.76, due on demand — is payable at pleasure, and is held by the State as an investment for the various trust funds. In this condition it will of course remain, the interest upon it being paid to the respective funds for which it is held, so long as the Legislature may choose to leave it in that shape. It would be more satisfactory, and in better accord with the Constitution, to have the whole debt extinguished, and the money belonging to the trust funds invested in other securities. It is believed that the \$800,000 due in 1878 may be paid from the sinking fund without taxation.

#### CANALS.

The report of the Auditor of the Canal Department exhibits in detail the operations, revenues, debts and expenses of all the canals. It will be unnecessary to present here any thing more than a few of the leading and important facts.

The gross amount of income from tolls and other sources for the year ending 30th September, 1876, was \$1,487,332.89, being \$438,662.74 less than in the preceding year. The cost of collection, ordinary repairs and other charges on revenues amounted to \$1,149,194.61, being \$318,121.34 less than in the preceding year. The Erie canal produced a surplus of revenue over expenses amounting to \$508,953.14. The other canals all show small incomes and large deficiencies of revenue as follows:

	Gross income.	Deficiencies.
Champlain.....	\$94,944 55	\$83,667 51
Oswego.....	29,048 35	27,175 17
Cayuga and Seneca.....	11,083 99	14,312 34
Chemung.....	2,104 84	7,689 87
Chenango.....	3,717 38	4,602 03
Black River.....	11,339 28	23,734 85
Genesee Valley.....	14,668 50	8,595 60
Crooked Lake.....	30 48	1,562 41

The year has been one of unprecedented disaster to the boatmen and to all others engaged in the navigation of the canals. In addition to the great depression in every branch of business, there has been an extraordinary competition between the railway lines extending from the Western States to tide-water, which has diverted trade from the canals, and notwithstanding the very low rates of toll, there has been a large falling off in tonnage as well as revenues. Many boats have been laid up; others have been run at a heavy loss and none of them appear to have made any profits.

The effective measures of reform which have been enforced within the last two years, arresting mismanagement and fraud and reducing expenses, have saved the canals from total ruin. Small as the income is, the expenses have been reduced below it, and yet the canals have been kept in complete repair during the entire season. Their future success, if they are to have any, must depend upon a faithful perseverance in this policy.

The question of high or low tolls in the present condition and prospects of canal transportation is one about which there would seem to be no ground for any difference of opinion. Under the Constitution, as now amended, no more money can be expended on the canals in any one year than the gross amount of their revenues for the preceding year. It is, therefore, indispensable for the forwarders to pay such tolls as are required to keep the canals in running order; and no one can reasonably ask them to pay any more, when they are making losses instead of

profits on every cargo which they carry. It is true the Constitution requires the canal debt to be provided for from the surplus canal revenues, but no law can enforce impossibilities.

It is to be hoped that the depression in trade will not be of long continuance, and that prosperity may soon return to the canals. It is believed that the railways cannot continue permanently their unreasonable competition without involving themselves in ruin. When such a change shall take place that forwarders can again realize a fair income from their business, they will, of course, be required to pay such tolls as will provide for the canal debt. Until that time it must inevitably be a charge upon the tax-payers of the State. With the usual amount of freight, at fair prices, the present rates of toll will doubtless be sufficient for all purposes, and with continued economy in expenses, they may probably be still further reduced. Since the close of navigation the railway companies have agreed upon an increase of freights; but the past history of such agreements leaves it uncertain whether this one will be of long duration.

It is perhaps unnecessary to add that any expenditures, under present circumstances, for enlargements or extraordinary repairs, should not receive encouragement from any source.

Those who have suffered most severely by the loss of business upon the canals are the boatmen, and although it may not be in the power of the Legislature to relieve them, it is impossible to withhold from them our sympathy. The number of their boats is about 6,000. They are in one sense the partners of the State. They do the work which produces the revenue to keep the canals in repair. Their labor is severe, and their exposure great. In many instances their families live upon the boats, in order to reduce their expenses to the lowest point. No part of the plunder which others have received has ever gone to them; on the contrary, they have suffered from it by paying tolls which have been misapplied. But with all their labor and economy they have been unable during the past season to pay expenses. If any relief can be extended to them in the present depressed condition of trade, it must come from a further saving in the cost of maintaining the canals, and a consequent further reduction in tolls. Even this will not probably be sufficient to carry them safely through another season of such competition as they have encountered during the last year.

#### THE LATERAL CANALS.

Whether any further appropriations should be made on account of such lateral canals as the Legislature has a right to dispose of, can be best determined after receiving the report of the commissioners appointed by an act of the last session, to examine that subject. It will be seen by the results of the year's business given above, that those canals are rapidly disposing of themselves, and have already become of little value, even to the people living near them.

I learn from the commissioners that they have made the inspection and examination required by the act appointing them, and will soon be prepared to report. The act fixed their compensation, and directed its payment, together with their expenses, but made no appropriation, and they have not been paid. The necessary appropriation should be made.

#### STATE PRISONS.

The State prisons have kept on their way from bad to worse. The



number of convicts in the three prisons September 30, 1876, was as follows:

Auburn .....	1,281
Clinton .....	629
Sing Sing .....	1,605
Total .....	<u>3,509</u>

The excess of advances from the treasury over receipts from earnings was \$704,379.85. This deficiency is larger by more than \$100,000 than was ever before known. It is due to the present inspectors to state that they claim the increased deficiency to be largely owing to incumbrances which fell upon them from their predecessors.

A commission was appointed by an act of the Legislature of 1876 to make a thorough investigation of the affairs of the prisons. The commissioners have been actively engaged in the service during the whole summer and autumn. Their report will very soon be submitted to the Legislature, and will, I presume, cover the whole ground of prison management, discipline and maintenance. I commend it to the attention of the Legislature, without further comment at this time.

#### STATE REFORMATORY AT ELMIRA.

It is gratifying to be able to announce to the Legislature that a large portion of the Reformatory building has been finished and brought into use. With a reasonable appropriation, the entire structure will be completed within the present year. The board of managers, appointed by chapter 207, Laws of 1876, organized in accordance with the act, and succeeded in securing the services of a very competent and efficient superintendent. Having completed and furnished the south wing, they received 170 convicts from the Auburn and Sing Sing prisons, who were immediately put at work upon the north wing, the prison wall and workshops, which have been advanced rapidly towards completion. The superintendent estimates that with an appropriation of \$185,000, and with the privilege of using the prisoners without the interference of contractors, he can fully complete and furnish and bring into use all the buildings, including the prison wall, within the year, and support 300 convicts during the progress of the work, and that then, with possibly a small appropriation for maintenance in 1878, the Reformatory will cease to be a burden upon the State treasury. He is confident that it can be made entirely self-sustaining.

In 1874, the Governor in his annual message estimated the whole cost of the buildings at \$2,000,000. Assuming the above estimate of the superintendent to be correct, they will be completed for a little more than one-half of that sum. But for the ambitious style of architecture adopted at the outset, the cost would have been much less than \$1,000,000.

The design of the Reformatory was the reformation, as well as punishment, of young convicts who had not become hardened in crime. With this object in view it was originally enacted that no convicts should be sentenced to it except such as were over sixteen and under thirty years of age, and convicted of a first offense. It is a source of much regret to the friends of the institution that it should have been, even temporarily, diverted from its original purpose; but the crowded condition of the other prisons, and the necessity of relieving them as far and as speedily as possible, led to the use, for the time being, of the Reformatory for that purpose.

The managers will require some further legislation to aid them in the discharge of their duties, and to promote the objects of the institution. Their views and recommendations will in due time be laid before you.

#### CONSTITUTIONAL AMENDMENTS.

The people of the State, at the last election, adopted by an immense majority, the constitutional amendments which had been approved by two previous Legislatures, and which have thus become a part of the Constitution of the State. They provide for the appointment, by the Governor and Senate, of a Superintendent of State Prisons, with all the powers of the Board of Inspectors, and a Superintendent of Public Works, with all the powers of the Canal Commissioners. A radical change is thus made in the management both of the prisons and of the canals. In each case all power and responsibility are placed in the hands of one controlling executive officer.

Wearied with the frauds, the wasteful and extravagant expenditures which so often attend the management of irresponsible boards, the people have determined to make this great change, with the hope of better results. They undoubtedly desire that the amendments be carried into effect as speedily as possible. I recommend, therefore, that an act be passed with as little delay as may be proper, fixing salaries of the respective Superintendents, and also the amount of security to be given by each.

A brief act containing these simple provisions will be all that will be necessary before appointing the Superintendents, and enabling them to enter upon their important duties. If further legislation should then be found desirable, either in regard to the canals or the prisons, it could be perfected at the convenience of the Legislature, and with ample time for deliberation.

#### PUBLIC BUILDINGS.

One phase of the extravagance and folly, amounting almost to lunacy, caused by an inflated currency and inflated modes of life, developed itself in a passion for costly public buildings. Of these the New Capitol takes the lead. Its cost was originally estimated at \$4,500,000. There have already been expended upon it over \$7,500,000, and it will undoubtedly require as much more to complete it; and when completed it will be a vast pile of ornamental stone work, not at all in keeping with the tastes and good sense of plain, substantial people. In addition to this, it is discouraging to contemplate its completion in view of the enormous annual cost of heating, lighting, cleaning and superintending it.

Following in the wake of the Capitol are several Insane Asylums, the State Reformatory, houses for Normal Schools, High Schools and other buildings upon which millions of the people's money have been wasted in useless ornaments and luxurious arrangements. In behalf of those which are not yet completed — embracing nearly all of the most costly structures — the usual representation is made that unless we go forward and spend the further amounts required for their completion, we shall lose all that we have expended. Whatever force there may be in this argument, I confess that in the present condition of financial affairs, the actual distress caused in many homes by the payment of their heavy taxes, I should prefer to have the expenditures cease, the tax-payers relieved and the buildings left as they are, at least, until the advent of better times. Fully responding to the demands of humanity in behal-

of the unfortunate poor, I cannot see the propriety or the justice of reducing a large body of tax-payers to pauperism for the purpose of building gorgeous palaces in which other paupers are to be supported at the public expense.

#### STATE BOARD OF HEALTH.

Several medical gentlemen of great eminence in their profession have asked my attention to the subject of a State board of health. They believe that such an institution would render essential service in the prevention of sickness and the preservation of life and health. They claim that, in almost every case where local epidemics have prevailed with a severity and fatality which seemed mysterious, their origin can be traced to some neglect of sanitary precautions or to some cause which a properly organized board of health would have discovered and removed. Important as this subject is, it has been impossible for me to find time for such an examination of it as would justify any specific recommendations. I can only ask your careful consideration of it. I do this the more willingly because I am assured that it is not intended that any expense shall be incurred by the State beyond a moderate salary for the secretary of the proposed board.

#### COMMISSIONERS OF EMIGRATION.

The condition of the affairs of the Commission of Emigration is embarrassing, and demands prompt consideration. The commission is charged with the duty of watching over all emigrants landed in the city of New York, on their arrival; and, in the cases of any who fall into distress, for some years afterwards.

Heretofore, under authority of the laws of this State, bonds have been required with conditions to indemnify the cities, counties and towns of the State against these passengers becoming a public charge upon them. The practice has been to accept, in lieu of the bond, a certain sum in cash from each passenger, which money constituted the revenue or fund of the commission, out of which it has reimbursed the several counties for any expenditures made in support of distressed emigrants within the period named. This revenue is now entirely cut off by a decision of the Supreme Court of the United States, declaring all such laws unconstitutional. The decision was rendered on the 21st of March, 1876, since which date no commutations have been paid nor bonds given.

Out of the moneys heretofore collected by the Commissioners of Emigration, as agents of the State, the public faith is pledged to provide for all emigrants — in behalf of whom contributions to the fund were made — who may need assistance within five years from the date of their arrival.

There are 120 acres of land on Ward's island upon which were erected hospitals, a refuge, an asylum for insane persons and other buildings, for the use of the commission. The lands were bought and the buildings erected out of the commutation moneys. The title to the property is in the State. The commission estimates its value at \$2,000,000. It is subject to a mortgage of \$200,000.

The Legislature last year, on the recommendation of the Governor, appropriated \$200,000 toward the current expenses from May 1, 1876, to May 1, 1877. Of this there had been expended, up to the third of November last, \$109,000.

I learn by a communication from the president of the commission, dated December 13, 1876, that the number of passengers from foreign

ports landed at New York from January 1, 1876, to the above mentioned date, was 109,592. That of these the number which came under the immediate care of the board was 72,326. The number admitted during the same period to the refuge and hospital was 3,953, of which number 687 remained in the institutions—331 being sick in the hospital, 141 insane in the lunatic asylum, 162 crippled or otherwise disabled in the refuge, and fifty-three children in the nursery.

It seems necessary that some provision be made by which the public faith may be kept with the emigrants—at least until the relief which is sought through a bill pending in Congress is obtained. The importance of the question as to how we are to deal with emigrants is shown by the fact that out of a little more than 8,000,000 reported as arriving since May, 1847, nearly 6,000,000 were landed at New York. Further details will be found in the annual report of the commission.

#### SAVINGS BANKS.

Recent disasters among our savings banks admonish us of the necessity of rigid restraints against mismanagement. These institutions are created for a special purpose, to wit, to take charge of small savings; the saving of those who handle little money, are inexperienced in investments, and to whom the loss of any part of their limited capital is a serious calamity. Every thing practicable should be done toward absolute security, and the money deposited by this class of persons should never be mixed up with that of others who handle large sums, and are capable of taking care of it for themselves, nor should it be subjected to the risks which persons of greater means and large experience are accustomed to take.

I recommend a re-examination of the general law passed in 1875, regulating these institutions. Section 34 of that act provides, that for the purpose of ascertaining the surplus held by a savings bank, its interest-paying stocks and bonds shall be estimated at their market value. I suggest instead, that such investments shall not be estimated above cost, nor above par, nor above market value. Any advance in cost is unrealized profit until the stocks are sold; and it may never be realized. If a premium above par has been paid, or is indicated by the current market value, this is sure to disappear if the stocks or bonds are held till maturity; it should not be counted as an asset, except when the bonds have been sold before maturity, and the premium is actually on hand.

I suggest, also, that the privilege, granted by section 27, of leaving ten per cent of the aggregate deposits, and also the current cash daily balances, of savings banks, with an ordinary bank or trust company should be taken away. This is mingling the money of the poor with that of the more speculative and more watchful classes, and subjecting it to the same risks. It is inconsistent with the provision of section 30, which forbids a saving bank lending any part of its funds upon notes, bills of exchange, drafts, or any other personal securities whatever. For such is the very class of securities on which the ordinary business bank will risk the money of the savings bank, in common with that of its other customers. It is, no doubt, desirable that a certain portion of the means of a savings bank should be in such shape that it can be promptly realized; sufficient provision to this end is otherwise made by the same section 27, which now authorizes temporary loans directly by the savings bank itself, upon certain classes of stocks and bonds. I see no reason why a savings bank should not keep its cash means as other banks do, in its own custody, in its own vaults.

An aggregate amount of deposits is now allowed to be made by one person, up to \$5,000. I suggest that it be reduced to \$1,000, or at most \$2,000; and this inclusive of accumulated interest. Persons of considerable means now put money into a savings bank in order to get better interest than elsewhere. The institutions are not meant for this class. The possession of considerable means implies the capacity to take care of money. Nor do I approve of the provision of section 22, allowing deposits to be received from corporations and societies. Every association must necessarily have a business head, capable of taking proper care of its funds. An association of any kind does not need the aid of a savings bank.

Section 23 implies that savings banks may properly receive deposits of money paid into court or under the order of a surrogate. A separate class of institutions—trust companies—have been provided for this special purpose, and such deposits are, for the most part, in large sums. All the creditors of a savings bank ought to be of the same class, to wit, creditors for small sums. I am inclined to the opinion that the disasters among our savings banks are due, to some extent at least, to their having sought, of late years, after a class of business which formerly they never undertook, and for which they are not intended.

Section 33 provides that dividends may be made of not exceeding six per cent per annum. This limit, I think, should be reduced to five per cent. High interest and increased risk always go together. Government bonds pay now only four and a-half per cent per annum, and savings banks ought not to be tempted, by efforts to pay high interest, into dealing into any but the very safest securities.

Section 33 requires every savings bank, when it has acquired a surplus of ten per cent, to divide all accumulations beyond that. I submit that ten per cent is not sufficient guarantee against losses. In view of the great and sudden depreciation to which property of all kinds is sometimes liable, as we know by present experience, I am not sure that any limit should be put upon the accumulation of a surplus fund. Such a fund had better be too large than too small. It seems to me that the limit of ten per cent is, at all events, much too low. These suggestions are respectfully submitted to your consideration. The purpose I have in view is, that this class of institutions, so valuable to the welfare of the great mass of the community, shall be rigidly confined to the duty for which they were created. They are semi-charitable in their nature, and their aid should not be given to nor their benefits shared by those who need no help.

#### COMMON SCHOOL STATISTICS FOR THE YEAR ENDING SEPTEMBER 30, 1876.

Total receipts, including balance on hand September 30, 1875....	\$12,643,969 59
Total expenditures.....	11,410,288 71
Amount paid for teachers' wages.....	7,949,085 17
Amount paid for school-houses, repairs, furniture, etc.....	1,779,124 19
Estimated value of school-houses and sites.....	31,817,904 00
Number of school-houses.....	11,571
Number of school districts, exclusive of cities.....	11,027
Number of teachers employed for the legal term of school.....	19,341
Number of teachers employed during any portion of the year....	30,209
Number of children attending public schools.....	1,067,199
Number of persons attending normal schools.....	6,391
Number of children of school age in private schools.....	134,404
Number of volumes in school district libraries.....	804,802
Number of persons in the State between the ages of five and twenty-one years.....	1,585,601

The foregoing statements should attract attention. Previous to the year 1856, the State appropriated \$800,000 per year for the support of the common schools. The act of 1856 changed the practice by levying a three-quarter mill tax, which produced a little over \$1,000,000 per year, until 1867, when the rate was raised to one and one-quarter mills, which produced over \$2,000,000, and in consequence of the recent extraordinary increase of valuations, it now produces over \$3,000,000, and for the next fiscal year it will be probably \$3,500,000. Adding to this the amount raised by local taxation, for the same object, we have a grand total of over \$12,000,000.

The amount paid for teachers' wages during the past year was \$7,949,085.17. The whole number of children attending public schools was 1,067,199. The number attending normal schools, 6,391. The number of children of school age in private schools, 134,404. If to all these we add the numbers of those who are instructed at home by private tutors, in academies, colleges and other institutions, not reported, some idea may be formed of the immense amount of money drawn from the people of the State, voluntarily or by taxation, for school purposes. Without intending to intimate the least suspicion that any part of this large amount is unwisely or improperly expended, the subject is of such magnitude as to be worthy of careful examination and scrutiny.

The question whether the State can educate all the children within its limits better than they can be educated in schools organized, conducted and paid for by the parents of the children themselves, has been decided in favor of the State, which is now conducting the experiment on a very large and expensive scale. It is of the utmost importance that the experiment should be successful, and that it should be so conducted as to merit the confidence and support of the entire community. To this end, if there are any errors in the mode of conducting it, they should be corrected before they lead to evils which it may be difficult, if not impossible to remedy.

The only ground upon which citizens who have no children can justly be compelled to pay taxes for the education of the children of others is, that it is necessary for the safety of the whole people, under our form of government. Our institutions, by their very theory, carry with them the assumption of a certain grade of intelligence among the citizens. It seems, therefore, to be the duty of a State to see to it that each and every citizen, so far as practicable, shall be educated to such a degree as will enable him to read and understand the laws, the Constitution and the ballot that he votes on election day. The schools in which education is given to this extent always carry their line of instruction far enough to embrace all the branches usually taught in our common schools. It seems to me to be a clear violation of personal rights for the State to go beyond this and levy taxes to support free academies, high schools and colleges, in which the higher branches of literature and science are taught, and young men prepared for the learned professions. This should be left to individual effort, from which better results always come than from any amount of donations from the State.

It should also be remembered that the expenditure of such large amounts of public money has almost invariably led to great abuses, and there is no security against the same tendency in educational management. The expenditures for school-houses, repairs and furniture, during the last ten years, have amounted to \$19,569,109.97. It is, perhaps, well to inquire whether this large amount has been wisely expended, in

the construction of plain, substantial and comfortable school-houses, or whether it has been, to any extent, handled by fraudulent contractors, or devoted to the construction of costly and ornamental buildings for the benefit, possibly, of the owners of adjoining property.

I would also suggest an inquiry as to whether the normal schools are really worth to the system what they cost. I am informed that a very large portion of the pupils instructed in them never follow the profession of teaching for any length of time.

There ought, also, to be found some remedy for the great abuse and expense arising from the number of new school books, and the frequent changes made, for no good purpose but simply to benefit the publishers and agents. It is undoubtedly true that inducements are frequently offered to school authorities and teachers to aid in the work of changing books and selling new ones. It would be strange if these temptations were always resisted. It seems to me proper that the Legislature should fix some limit to this evil.

Finally, I would recommend a return to the former system of making an appropriation of a specific sum in each year from the State treasury for the benefit of the common schools, and put into the tax levy a rate sufficient to cover the amount — \$2,500,000 at the utmost ought to be, and will be, amply sufficient, if proper care is taken in the use of it. These suggestions are made in a spirit of sincere friendship to our common school system, to the end that it may not be exposed to any just objection; that its administration may be characterized by a wise economy, and by a degree of purity which shall place it above suspicion, and keep it in the future as it now is, strongly entrenched in the confidence of the people.

#### COLLEGES AND ACADEMIES.

The annual report of the Regents of the University, soon to be communicated to the Legislature, will fully exhibit the condition of the colleges and academies of the State. Notwithstanding the stringency of the times the aggregate attendance in the colleges is somewhat greater, and but little less in the academies, than during former years. Some institutions of either class are adequately endowed, and others are making vigorous efforts to secure such an amount of productive funds as will place them on a secure financial basis.

#### THE STATE LIBRARY AND MUSEUM OF NATURAL HISTORY.

The Regents of the University, as trustees of the State Library and State Museum of Natural History, will report their condition, in detail, at an early day. Valuable additions to both have been made during the past year, the library having increased to more than 100,000 volumes. In the departments of law and American history it is unsurpassed by any other State library of the Union.

#### THE NATIONAL GUARD.

From the report of the Adjutant-General, as well as from my own limited observation, I learn that the condition of the National Guard is entirely satisfactory. The appropriations made for its support and improvement have been carefully and judiciously expended. The organization, spirit and discipline of the officers and men were never better. The improvements in rifle practice, to which special attention has been given during the past year, have been of a very gratifying character, and will be continued. At a comparatively small annual cost the National

Guard is kept in such a condition of organization and discipline as to constitute a nucleus around which a large force could, if necessary, be gathered and made effective in a very short time.

At the present time the National Guard consists of eight divisions, eighteen brigades, one regiment and eleven separate troops of cavalry; one battalion and eleven separate batteries of artillery; twenty-five regiments, twelve battalions and eighteen separate companies of infantry — in all comprising 1,546 commissioned officers and 19,878 non-commissioned officers, musicians and privates, making an aggregate force of 21,424, showing an increase of 2,011 over the aggregate of last year.

#### REDUCTION OF TAXES.

In 1873 the State tax was.....	\$14,800,908 88
In 1874 the State tax was.....	15,727,482 08
In 1875 the State tax was.....	14,206,680 61
In 1876 the State tax was.....	8,529,174 82

The large reduction of taxes for State purposes, shown by the above statement, is due in some measure to the reduced amount required for the bounty debt, but mainly to the stopping of expenditures for new works and extraordinary repairs upon the canals, and to the other reforms and economies which have been inaugurated and enforced during the last two years. By a rigid adherence to this policy the taxes may be still further reduced during the present year. Unless the people permit a renewal of the wasteful expenditures of former years, they will hereafter have no cause to complain of the amount of State taxes. The load which oppresses them most heavily will be found at their own doors in their town, county and city taxes. When they have the courage to look these in the face, and insist upon their reduction within reasonable limits, they will obtain the full measure of relief to which they are entitled.

The rate of taxation for the current fiscal year was fixed by the Legislature at its last session at three and eleven-twenty-fourths mills. For the next fiscal year it is estimated that two and three-quarter mills will be sufficient. But this estimate is based upon the assumption that the Legislature will decline to make appropriations which are not required for the legitimate expenses of government.

#### INCREASED VALUATIONS.

The State Assessors inform me that there will be a very large increase in the valuations, especially in the agricultural districts, carrying the total valuations for the whole State up to the probable amount of about \$2,800,000,000. This extraordinary increase is of doubtful propriety. It seems to be an effort to follow upward the unnatural prices caused by the currency inflation, at a time when the inflation has produced its inevitable disasters, and when prices are rapidly falling nearer to actual values. The effect of the increase is to render it uncertain what amount any specified rate will produce. Instead, therefore, of levying specific rates for particular objects, which may produce too much or too little, it would be better to appropriate the amounts required, and fix a rate sufficient to cover them, so that, if there be a surplus, it shall remain in the treasury.

The efforts of the assessors should be not so much to increase valuations as to produce a just and equitable distribution of the burdens of taxation among the people. When this point is gained it is of little importance whether the valuations are above or below what are called actual values. For many obvious reasons it would be better that they



should be below rather than above. The true value of property is rarely known. It is not a matter of fact, but of opinion. Hence it is always estimated, and the tendency usually is to estimate too high.

#### EXEMPTING CHURCHES, ETC.

It is proper to refer in this connection to propositions which are sometimes made to increase the valuation by changing the policy which has always prevailed in this State of exempting churches, schools and hospitals from taxation. I cannot too strongly express my disapproval of any such change. Our people of all classes and all creeds have surrounded themselves with these institutions of civilization which are foremost in the influences that diminish the expense of government by lessening the infractions of law. They should not be discouraged by the imposition of burdens from which they have hitherto been exempt.

#### SURPLUS OF THE BANKS.

Taxing the whole surplus of the banks in addition to their capital is neither equal justice nor sound policy. Besides compelling them to pay more than their fair proportion, it induces them to divide their surplus among the stockholders, thereby diminishing the security which it gives to the public so long as it is held by the banks. In times like the present the exigencies of every day may diminish both surplus and security. The subject is submitted to your careful consideration and wise discretion.

#### LEGISLATION IN APPROPRIATION BILLS.

A very objectionable practice has grown up of inserting general legislation in appropriation bills. The effect of it, is to conceal legislative provisions in places where they ought not to be and where the public generally do not think of looking for them. It also puts it beyond the power of the Governor to withhold his approval from such provisions unless he vetoes the whole appropriation bill in which they are contained. I trust that the practice will be discontinued altogether, and that the question may not be presented as to whether such provisions shall become law, or whether the appropriation bills containing them shall be returned disapproved.

#### THE STATE SURVEY.

Several instances of the pernicious mode of legislating above referred to will be found in the "supply bill" passed at the last session. The most conspicuous among them is the provision for instituting and organizing "an accurate trigonometric and topographical survey of the State." Without any application by the people, with no appreciable evil to remedy, with no practical inconvenience in the experience of a hundred years, and at a period of great pecuniary embarrassment, a plan is enacted in an appropriation bill for embarking the State, against the wishes of its people, in a work which promises to run through half a century, and to cost an unlimited amount of money. The mode and the matter of the enactment are alike objectionable, and I recommend the prompt repeal of that portion of the supply bill.

#### THE CURRENCY.

The vast agricultural, manufacturing, commercial and financial interests of the State make a sound and stable currency a matter of the highest importance. It is, however, of little use to enter into any extended discussion of the subject here. The country has been deluged with essays in regard to it, and all intelligent readers have as much information as

they can hope for from such sources. So far as legislation can produce any effect, it must be looked for in congress; the State is, of course, powerless in that direction. Fifteen years ago, wise action in the national legislature would have saved the country from the universal collapse which has fallen upon all business pursuits. At that time the whole amount of currency in circulation in the United States was estimated at between two and three hundred millions of dollars. Within four years from that time, the amount was carried up to nearly eight hundred millions, and has hitherto been kept up to over seven hundred millions. The result is the same as has always been produced by similar experiments, ever since a circulating medium has been known and used in the commercial world. There was a rapid rise of prices, wild speculations, all branches of business unduly stimulated, over-trading, luxurious habits of living, general demoralization, followed by the inevitable revulsions, wide-spread bankruptcy, suspension of industries, and multitudes of people deprived of employment and of the means of supporting life. Whilst we can only look to Congress for any legislative measures of relief from this state of things, it is quite evident that very little can be hoped for in that way. Substantial relief will only be obtained by a correction of the bad habits into which we have been led; by a return, if need be, to the simplest industries, to a reduction of all unnecessary expenditures, and a rigid economy, both in public and in private life.

#### RAILROAD REPORTS.

Complaints are frequent among persons interested, both stockholders and bondholders, that the reports now rendered by railroad companies, including those operating street roads, are not in such forms as to afford a clear and satisfactory view of their condition. These corporations being creatures of the State, endowed with great privileges, it is right that we should require from time to time, from each one of them, a full and clear exposition of its situation. Companies whose affairs are in a good condition will have no objection to this being made known, and it is due to the people that if any are unsound their condition should be exposed as promptly as may be. Concealment of such a state of facts from all but a few principal managers will often enable those who are most to blame for waste and loss to shift the burden thereof upon the shoulders of innocent persons.

A memorial has been sent to me, addressed to you and to the Legislature of all the New England States, recommending a certain form of returns, which has been agreed upon, after consultation with some prominent railroad companies, in a conference of the commissioners of those States, and the State Engineer and Deputy State Engineer of this State. The memorial is signed by all these parties. One object in view is that the returns shall be of one and the same form in all the States, with the hope, no doubt, that this uniformity will be extended to those of the whole country. It is obvious that where the line of a railroad extends into two States, as is frequently the case, it must be more or less inconvenient to the company to make up its statements in two different forms, and that, moreover, there will be advantages to the public in having these returns uniform. I suggest to you an amendment of the general railroad law, giving to the State Engineer the power to prescribe the form of the returns — the same power that is vested in the railroad commissioners in Massachusetts — and such other power pertaining in that State to rail-

road commissioners as may be necessary to ensure and enforce a proper exposition of the actual condition of these companies. You will be able to judge of this matter better after an examination of the memorial, and the papers accompanying it, which I shall cause to be sent to you. The form upon which the memorialists agreed will be found in the possession of the State Engineer.

#### INSECURITY OF PLACES OF PUBLIC RESORT.

The recent calamity at the Brooklyn Theater, said to be unequaled in horror by any like event heretofore, calls our attention most forcibly to the duty of providing by law, and by the severest penalties, against such disasters in the future. Those who seek to make money by gathering the people in crowds into their buildings, are bound to take every precaution to insure their absolute safety. The Legislature should enact regulations for all such buildings, so as to provide for the prompt suppression of fire and rapid egress for the crowd in case of alarm. In fact, the provision for safety and for exit should be so complete and so manifest that panics would not occur.

The danger is not limited to theatres and places of public amusement; rooms used for lectures or for public meetings, our large school-houses and even churches are, for the most part, so constructed that in case of panic a large number of the crowd within is likely to be fatally injured in the fierce, natural struggle to escape.

The buildings owned by the public are as faulty as those used for private purposes. We are familiar with one or more fatal disasters among the children who, in cities, are crowded into four-story school-houses.

Attention should, also, be given to the security of passengers in cases of fire upon steamboats and railway trains.

Nothing more than this brief allusion to the topic can be necessary. Even without it, I am confident that you would promptly have given your attention to the subject.

#### MUNICIPAL REFORM.

The report of the commission, appointed by my predecessor, to consider the subject of the government of cities, has not yet been received. I hope that I shall be enabled to present it to you early in your present session. In some respects the government of the city of New York is in almost a chaotic condition; appropriations of money are regulated, not by the Common Council, but by a board of four persons, of whom only one is chosen by the people. The distribution of administrative and legislative powers is imperfect and uncertain. An out-going mayor has power to appoint, in some cases, subordinate administrative officers for a term exceeding that of the incoming mayor. Of the enormous debt resting upon the city, as I learn from one of the commissioners, the amount of \$85,000,000 has been created by direct action of the State Legislature, without being asked for or approved by the common council of the city or the board of supervisors of the county, or by its taxpayers or its people. There are twenty-one of these objectionable laws still in force, under which the full amount of debt authorized by them has not, as yet, been contracted. It would be well to examine into this matter at once for the purpose of repealing such of these acts as, in your judgment, should not be left in force. In some of the acts the amount of indebtedness has no limit, but it is provided that, on the simple requisition of a subordinate administrative department, bonds of the city may

be issued, provided that they do not exceed a certain sum per annum. The number of years during which the acts may continue to apply is not defined. The laws referred to are, in many instances, imperative, requiring the debt to be contracted.

The evil practice of commanding the creation of debt for local purposes, by local governments, is not confined to laws relating to the city of New York alone. Upon our statute book will be found many acts "authorizing and requiring" boards of supervisors, trustees of villages and the like, not only to levy extraordinary local taxes, for purely local purposes, but to incur indebtedness for such purposes. The duty of the Legislature in such matters is properly defined in article 8, section 9, of the Constitution, which says: "It shall be the duty of the Legislature to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, contracting debts," etc. Whenever the Legislature undertakes to impose on a neighborhood local taxes or local indebtedness for local purposes, it assumes to have a knowledge of the case which none can have except those who live in the neighborhood affected. It undertakes to discharge the functions of village trustees, town officers, city aldermen or supervisors of counties; for which functions the men selected especially for these places are better fitted. Whatever evils may occasionally appear in local government should be remedied by the people at home, upon whom the responsibility should rest.

#### CORRUPT USE OF MONEY IN ELECTIONS.

The Constitution and laws of this State contain many very stringent and excellent provisions for securing the purity of the ballot box and preventing the corrupt use of money in elections. The penalties which they inflict upon those criminals who violate them are very severe. It is, however, apparent that in every important election the laws upon this subject are grossly violated, or evaded. I recommend a thorough re-examination and revision of them with a view of rendering convictions more certain and with additional and severer penalties. So vitally important is the preservation of the purity of elections to the permanent existence of our form of government, that in my opinion any man who buys or sells a vote should be forever thereafter disfranchised and subjected to such other penalties as will be most likely to prevent the commission of the crime.

#### BETTING UPON ELECTIONS.

Another gigantic evil, closely allied to the corrupt use of money, is the practice of betting upon the results of elections. This practice has always existed to some extent; but it, and the evils resulting from it, have recently been developed to an alarming extent. It is unquestionably true that many millions of dollars were staked upon the result of the late election. Every person interested in such bets had a strong motive for corrupting and bribing voters, and there is no doubt that many yielded to the temptation. The heat and excitement of the contest were also greatly intensified by the same cause. I recommend the enactment of a law, with severe penalties, entirely prohibiting all bets, direct, or indirect, upon the result of any election.

#### NATIONAL AFFAIRS.

The recent presidential election threatens to prove an epoch of solemn portent in our history. For the first time in the twenty-two elections which have been held for President and Vice-President of the United

States, the result remains a subject of controversy after the canvass of the votes within the States has been made and announced. The two houses of Congress have been heretofore repeatedly required to pass upon the authenticity and validity of electoral votes, but in no former instance has the election turned upon the questionable votes. In every former case the result has been determined by electoral votes which were not in controversy. In the present instance one candidate for President and one candidate for Vice-President have received 184 undisputed electoral votes, as well as a popular majority exceeding a quarter of a million. Another candidate for President and another candidate for Vice-President have received 165 undisputed electoral votes. All the votes of three States—four in Florida, eight in Louisiana and seven in South Carolina—making nineteen in all, are still in dispute; also one of the three votes of Oregon. In all these cases two sets of returns have been “transmitted to the seat of government, directed to the President of the Senate,” to await the action of the two houses of Congress whose duty it is to verify, ascertain and count the electoral votes.

In a situation involving such momentous results as the chief magistracy of this republic, all the baser as well as the better forces of society are naturally embattled to secure the prize. It is in such crises of history that the controlling force of cardinal principles is liable to be weakened, dangerous concessions to be made, perilous precedents established, sacred traditions violated, and the most important bulwarks of constitutional freedom rendered less secure.

In Louisiana we have seen a State government imposed on the people by the military force of the federal executive, under color of a pretended order of a federal judge, which order in itself was void, and which led to the resignation of the judge who made it, to escape impeachment. We have seen the government thus imposed by military force condemned as illegal and a mere usurpation, by both houses of Congress, and the electoral votes given under its auspices, rejected in the counting of the presidential votes in 1873 by the concurrent judgment of the same tribunal. We have seen the government so imposed create “a returning board” practically vested with absolute power to revise and, if they please, to reverse the results of the election by the people of the State, and thus organize a political mechanism under which an oligarchy in temporary possession of the legislative power of a State might perpetuate their ascendancy indefinitely.

I pause here in this statement to interpose, in behalf of the people of this great commonwealth, a solemn denial of the power of any State government or of the federal government to vest such powers as are claimed by the Louisiana returning board in any canvassing board whatever.

In the first place, such powers in respect to the choice of presidential electors are not warranted by, but are repugnant to the Constitution of the United States. The provision of section 1 of article 2 of that instrument, “that each State shall appoint, in such manner as the Legislature thereof may direct, its presidential electors,” does not confer on the Legislature of a State an unlimited power over the subject. No one will pretend that a temporary majority in the Legislature of a State could grant to an individual or to a set of individuals, the power to appoint presidential electors; that it could make this grant for a period of years, or indefinitely, or to his or their heirs or assigns.

What it cannot do in form it cannot do in substance; what it cannot

do directly it cannot do indirectly. The choice which a Legislature is authorized to make for a State, in the mode of appointing presidential electors, is limited to a mere selection between certain known forms of action, recognized in the practice of popular government, and consistent with the nature of popular government. It is a choice of modes, but must not change or destroy the essential character of the thing itself. It is subject to the condition that "the *State* shall appoint" the presidential electors. The State, that is, the political community known in our jurisprudence and constitutional law by that name, must "appoint," and in doing so it must act by and through its known and rightful organs. At the time this provision of the federal Constitution was adopted, it was contemplated that the Legislature of a State possessing all the governmental powers not withdrawn by the provisions of the State Constitution, or transferred to the government of the Union, might itself choose the electors. And, indeed, that was the mode at first generally practiced by the States. The State Legislature at that time was regarded as the most natural and the legitimate organ of the State. The power to choose presidential electors might properly be conferred upon the people of the State by a general ticket, the voters throughout the State choosing all the electors; or they might be chosen by the people of the State voting in districts, each district choosing one elector. These were methods consonant with the principles of our system of government, and by either of which it could be properly said that the State did, in fact, "appoint" the electors.

It is historically certain that these different modes were in the contemplation of the convention which formed the Constitution. Experiencing some difficulty, however, in imposing this duty upon all the States by any one uniform system, it devolved upon the Legislatures of each State the authority to choose from among these methods, one for the exercise of that power which it granted in declaring that "each State shall appoint."

While the Legislature of a State may provide that presidential electors shall be appointed by an election of the people, it cannot provide that that election shall not be a reality; that it shall be a sham, and that the actual power of determining the choice shall be invested in a packed committee, whether it be called a "returning board," or by any other name.

Neither can it invest a board of canvassers with indefinite or with arbitrary powers, nor with any authority which, by the principles and practice of our jurisprudence, and the policy of our elective system are not fairly incident to the function of ascertaining the vote of the people. This seems to me to be the obvious, the wise interpretation of the Constitution of the United States and of its laws. Any other doctrine will open the way to abuses, frauds and usurpations, which must end in destroying popular elections. The moment we depart from a strict construction of grants of power in derogation of the integrity and efficiency of the elective system, we shall be able to find no rule that will protect the rights of the people. We shall tempt transient majorities to seek to prolong their power by tampering with the machinery of elections, and the easiest, most convenient and most effectual method for such a purpose is by the contrivance of returning boards, which shall be packed and equipped with powers hitherto unknown to our laws and practically subversive of the will of the people.

In the particular case of Louisiana, other equally grave illegalities are

believed to exist. The powers vested in the returning board are inconsistent with the provision in the Constitution of that State which guarantees the elective franchise to voters, and also with the provision which confers the judicial power upon the courts. It is probable that the powers of this board, by the law of Louisiana, do not apply to presidential electors; that the board itself was not constituted in accordance with the law under which it was created; and finally, that a condition, without which the returning board could not get jurisdiction in the cases where it assumed to reject votes of whole districts, was not complied with. There is every reason to believe that the authority exercised by that returning board is void, as repugnant to the Constitution of the United States, and also to the Constitution and laws of Louisiana.

In this state of the law, that returning board, according to public statements of conceded facts, by manipulations of the returns, have changed a majority for one set of presidential electors of about 9,000 to a majority for another set of about 4,000, which would be equivalent to a change of over 80,000 votes in the State of New York.

In Florida we have seen a board of State canvassers, solemnly adjudged by the highest court in the State to possess none but ministerial powers, assume the authority to reverse the choice of electors as shown on the face of the returns made by the officers who conducted the elections and received the votes; and to do this in open disobedience and contempt of the judicial tribunal having jurisdiction in such matters, and vested with the right of final judgment.

In South Carolina we have seen the board of State canvassers fabricating a canvass in like disobedience and contempt of the Supreme Court having jurisdiction and the right of final judgment; we have seen federal soldiery take possession of the capitol of the State, and a corporal at the door determining who were the elect of the people and who were to be permitted to represent them as legislators. Notwithstanding some of these acts have been disavowed by the federal executive, no mark of disapprobation has been put upon the authors of the outrages; the officer in command goes still unrebuked, and when the returning board were committed to prison for contempt, by the highest court in the State, a judge of the United States District Court is sent down to South Carolina, and, without jurisdiction in the case, grants a writ of *habeas corpus*, and discharges the offenders. These proceedings are the more extraordinary and alarming when we consider that such violations of law and of right have been resorted to to overturn elections, all the officers conducting which, were of the same political party with the candidates in whose favor these acts have been committed; that the elections were held under the surveillance of troops of the United States, without any constitutional warrant for their presence, and that the judicial decisions thus set at naught cannot be suspected of any partisan bias, for they were rendered both in Florida and South Carolina by judges all of whom were of the same political party with the returning board.

These interferences of the military power have been committed in flagrant violation of the Constitution and laws. They were not provoked by domestic violence; they were not invited in the only way that would have made them constitutional, by the Legislature of the State; and they were continued after the election was over and during all the subsequent proceedings of the canvassing board. Their tendency was to overawe the voter under the pretense of keeping the peace, though by measures in themselves unlawful, and to deliver dishonest officials from

the natural sense of responsibility and the natural timidity in regard to the consequences of their acts, which are providential limitations to men's conceptions of the crimes upon which they may venture.

While these things were going on in the South a member of the Cabinet at Washington was acting as chairman of a partisan National Committee, and with the co-operation of some of his colleagues in the Cabinet, counselling and systematically stimulating these desperate measures.

The result which these proceedings seem designed to accomplish cannot be secured without one farther step in the processes of usurpation. The fabrication of electoral votes amounts to nothing unless they can be counted by the tribunal whose constitutional duty it is to verify and authenticate them. That inexorable necessity has given birth to a new device for counting the votes, not only unknown to the Constitution but in conflict with the construction hitherto always accepted, and with the invariable practice and precedents. That device is for the President of the Senate to usurp the power of determining what votes shall be counted and what shall not be counted, and to exercise that power in disregard of the orders of the two houses. It would not be credible that so monstrous a claim as this could be seriously asserted if leading Senators had not publicly avowed it.

Nothing could be more abhorrent to the spirit of our system of government than such a one-man power. The President of the Senate is elected by the Senators, and they in turn are elected by the State legislators. He is, therefore, three removes from the people. If such a power were to have been vested in a single man, a depository would have been chosen not so far removed from popular accountability. But the people of this country will never vest such a power in any one man, however selected. They will never consent to a new construction of the Constitution and laws that bears such fruit. They will stand firmly in the ancient ways, and insist that the electoral votes in this emergency shall be counted as they have always been counted, by the two houses of Congress, and by nobody else. They will look with just suspicion upon the purposes of any who would propose to depart from the precedents which have been hallowed by time, and the uniform practice of the republic from its foundation.

The Constitution of the United States confers upon the President of the Senate no power whatever in respect to the counting of the electoral votes, except "in presence of the Senate and House of Representatives," to "open" all the certificates which may be transmitted by the colleges to the seat of government, directed to him.

The Constitution confers upon the President of the Senate no power to determine the authenticity and validity of an electoral vote, or to interfere in any wise with any such question.

No President of the Senate has ever claimed or exercised such a power at any of the twenty-one presidential elections that have occurred under our Constitution.

The mode of procedure for the counting of electoral votes has been invariably regulated by the two houses of Congress, by concurrent resolution or standing rules adopted before the count. Those resolutions or rules have prescribed every step in the whole process; every function of the tellers and of the President of the Senate, whenever any additional service, even of the most formal sort, has been required of him.



In every instance the counting has been conducted in conformity with the procedure thus prescribed by the two houses; by servants designated by the two houses under instructions and in the presence of the two houses, and with the entire concurrence and the implicit obedience of every President of the Senate who has participated in these ceremonies.

So often as any question has arisen as to the authenticity or validity of an electoral vote, the two houses have assumed and exercised the exclusive power to act upon and determine that question. They have, in contemplation of law, themselves made every count; they have from the first, assumed exclusive jurisdiction to regulate and govern the whole transaction by temporary concurrent orders adopted for the occasion, by standing joint rules and by the enactment of laws. Such has been the uniform and uninterrupted course of precedents, the invariable practice of the government, and the official exposition of the Constitution which has been deliberately adopted, invariably acted upon, and universally accepted.

No fitter repository of all such powers as are vested in or must of necessity be exercised by the government, can be found than the two houses of Congress. They are not only the general agents of the people under our representative system, but in case of the failure of a choice of President and Vice-President by the electoral colleges, they are expressly charged by the Constitution with the duty of making the election.

The people of the United States will never consent to have their Representatives in Congress stripped of these powers, or tolerate this usurpation by a deputy of the Senate, or by any single person, and still less by an officer who is frequently interested as a candidate in the result of the count.

In this sentiment and purpose the State of New York cordially concurs. Foremost among all our American commonwealths in population, in the variety and extent of her industries and interests, she has in every vicissitude of public affairs put forth all her strength, moral and physical, to maintain the existence and the just authorities of the Union, and she can never consent that the time-consecrated methods of constitutional government shall be supplanted or overthrown by revolutionary expedients.

L. ROBINSON.

*Ordered,* That said message be laid upon the table and printed.

(See Doc. No. 2.)

Mr. Selkreg introduced a bill entitled "An act to amend chapter 125 of the Laws of 1874, entitled 'An act to provide for the establishment of a system of graded schools in the village of Ithaca,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

Also, a bill entitled "An act to amend section 9 of chapter 567 of the Laws of 1875, entitled 'An act to amend chapter 555 of the Laws of 1864, entitled 'An act to revise and consolidate the general acts relating to public instruction,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

Mr. Bradley introduced a bill entitled "An act to extend the powers of county judges when holding courts in other counties than their own," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Schoonmaker introduced a bill entitled "An act further to amend chapter 379 of the Laws of 1848, entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Bixby introduced a bill entitled "An act for the relief of James R. Davies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Jacobs offered the following:

*Resolved*, That Edwin A. Woodin be and he hereby is appointed clerk of the committee on cities for the session of 1877, in the place of C. O. Abbott, resigned.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Sprague
Bradley	Harris	Moore	Starbuck
Carpenter	Jacobs	Robertson	Vedder
Cole	Kennaday	Sayre	Wagstaff
Coleman	Lamont	Schoonmaker	Wellman
Doolittle	Loomis	Selkreg	Woodin
Emerson			

25

Mr. Gerard offered the following:

*Resolved*, That a committee of three be appointed by the President of the Senate to draft and report suitable resolutions expressive of the sense of the Senate on the decease of the Hon. James W. Booth, late a member of this body, from the Fifth Senatorial district.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The President appointed as such committee, Messrs. Gerard, Woodin and Wagstaff.

Mr. Harris offered the following:

*Whereas*, A select committee of seven has been appointed by the Senate for the purpose of re-apportioning the Senate districts of this State; and,

*Whereas*, In the judgment of the Senate it is important to the discharge of the duties of said committee that it should be served by a clerk and messenger; therefore,

*Resolved*, That Chauncey O. Abbott be appointed clerk of said committee at the same compensation received by the clerk of the finance committee, and Erasmus M. Spalding be appointed messenger of said committee, at the same compensation received by the messenger of the finance committee, and that the appointments continue until the final action upon the subject-matter referred to said committee shall be had by the Legislature.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Sprague
Carpenter	Harris	Moore	Starbuck

Cole	Jacobs	Robertson	Tobey	
Coleman	Kennaday	Sayre	Vedder	
Doolittle	Lamont	Schoonmaker	Wellman	
Emerson	Loomis	Selkreg	Woodin	24

On motion of Mr. Vedder, the Senate adjourned.

## WEDNESDAY, JANUARY 3, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Bixby introduced a bill entitled "An act to extend the operation and effect of chapter 40 of the Laws of 1848, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical and chemical purposes,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act in relation to the Foundling Asylum of the Sisters of Charity in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

Mr. Woodin introduced a bill entitled "An act to provide for the correction and equalization of taxes and assessments," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

Mr. Selkreg introduced a bill entitled "An act re-appropriating money to pay drafts heretofore drawn by the Canal Commissioner," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

Mr. Moore introduced a bill entitled "An act to amend chapter 339 of the Laws of 1839, entitled 'An act to preserve the purity of elections,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Emerson introduced a bill entitled "An act to authorize the election of women to school offices," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

Mr. Gerard introduced a bill entitled "An act relative to persons holding office or employed under the government of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to facilitate the removal of clouds and apparent liens upon the title to real estate," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Robertson introduced a bill entitled "An act to amend chapter 628 of the Laws of 1874, entitled 'An act to amend an act entitled An act for the incorporation of villages, passed April 20, 1870,'" which was

read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Coleman offered the following :

*Resolved*, That Frank W. Moore be appointed messenger of the committee on commerce and navigation during the session of the Legislature for 1877.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Selkreg
Bixby	Gerard	McCarthy	Sprague
Bradley	Harris	Moore	Starbuck
Cole	Kennaday	Robertson	Wagner
Coleman	Lamont	St. John	Wellman
Doolittle			

21

Mr. Selkreg offered the following :

*Resolved*, That John Banker be appointed clerk, and Charles W. Pool, messenger, to the committee on railroads.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	Selkreg
Bixby	Emerson	McCarthy	Sprague
Bradley	Gerard	Moore	Wagner
Carpenter	Harris	Prince	Wellman
Cole	Lamont	Robertson	Woodin

20

Mr. Robertson offered the following

*Resolved*, That Frank S. Wiegand be and he is hereby appointed messenger of the judiciary committee for the session of 1877.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Starbuck
Bixby	Gerard	Robertson	Vedder
Bradley	Harris	St. John	Wagner
Carpenter	Jacobs	Selkreg	Wellman
Cole	Lamont	Sprague	Woodin
Doolittle	Loomis		

22

The President presented the following communication from the Secretary of the Regents of the University :

UNIVERSITY OF THE STATE OF NEW YORK, }  
 OFFICE OF THE REGENTS, }  
 ALBANY, January 3, 1877. }

HON. WILLIAM DORSHEIMER, *President of the Senate* :

SIR.—I am directed to state for the information of the Senate, that by the deaths of Hon. George R. Perkins, LL. D., of Utica, and of Hon.

James W. Booth, of New York, two vacancies in the Board of Regents are created, to be filled at the pleasure of the Legislature.

Very respectfully, your obedient servant.

S. B. WOOLWORTH, *Secretary*.

Mr. Jacobs moved that the Senate do now go into executive session.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then went into executive session, and after some time spent therein the doors were opened, and the Senate resumed legislative business.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That when the Legislature adjourn on Wednesday, January 3d, it be to meet on Tuesday morning, January 9th, at 11 o'clock.

On motion of Mr. Woodin, and by unanimous consent, the rules were suspended, in order to consider said resolution immediately.

Mr. Loomis moved to amend by striking out the words "Tuesday morning at 11 o'clock," and inserting the words "Tuesday afternoon at 3 o'clock."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative.

On motion of Mr. Woodin, and by unanimous consent, the rules were suspended, and the Clerk was ordered to return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly returned the concurrent resolution providing for the adjournment of the Legislature until Tuesday, January 9th, with a message that they had concurred in the amendment of the Senate thereto.

*Ordered*, That the Clerk return said resolution to the Assembly.

On motion of Mr. Cole, the Senate adjourned.

## TUESDAY, JANUARY 9, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of Wednesday, January 3, was read and approved.

The President presented a petition of certain Indians in the town of Brookhaven, for relief; which was read and referred to the committee on Indian affairs.

Also, The Annual Report of the Board of Commissioners of Pilots, for the year 1876; which was laid upon the table and ordered printed.

(See Doc. No. 6.)

Mr. Cole presented The Eighth Annual Report of the New York State Institution for the Blind, at Batavia; which was laid upon the table and ordered printed.

(See Doc. No. 11.)

The President presented the following communication from his excellency the Governor :

STATE OF NEW YORK,  
EXECUTIVE CHAMBER, ALBANY, *January 9, 1877.* }

HON. WILLIAM DORSHEIMER, *President of the Senate :*

DEAR SIR. — I have received from the Secretary of State a communication from which the following is an extract :

"I wish to call your attention to the very imperfect condition in which the bills from the Legislature frequently come to this office. They are not only often carelessly written and punctuated, but erasures are freely made by the engrossing clerk, which are calculated not only to throw serious doubt upon their authenticity, but bring all through whose hands they pass in all time to come, under the possible suspicion of tampering with them."

The Secretary of State also caused several specimens of the alterations referred to to be exhibited to me. The great impropriety of them is apparent. There is nothing to show when, or by whom, they were made. The probability is that they were made by the engrossing clerks, for the purpose of saving themselves the labor of engrossing the bills anew. However this may be, I think it my duty to call the attention of the presiding officers of the Senate and Assembly to the matter, and to say that I shall feel constrained to disapprove any bill in which such alterations appear.

I am, with great respect, yours, etc.,  
L. ROBINSON.

Which was referred to the committee on engrossed bills.

The President presented the report of the New Capitol Commissioners, for the year 1876; which was laid upon the table and ordered printed.

(*See Assem. Doc. No. 6.*)

Also, the Annual Report of the Treasurer of the State of New York; which was laid upon the table and ordered printed.

(*See Doc. No. 5.*)

Also, the Thirteenth Annual Report of the Ontario Orphan Asylum at Canandaigua; which was laid upon the table and ordered printed.

(*See Doc. No. 10.*)

Also, a memorial of the National Board of Trade of the United States, relative to instruction in the mechanical arts, and the establishment of art and science schools; which was read and referred to the committee on manufactures.

Mr. Robertson introduced a bill entitled "An act to amend chapter 426 of the Laws of 1868, entitled 'An act relative to the lands devised by Richard Ray, deceased,' passed April 28, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Starbuck introduced a bill entitled "An act to authorize the commissioners of the town of Diana, in the county of Lewis, appointed under chapter 115 of the Laws of 1868, to issue bonds for the purpose of raising funds with which to pay the bonds of said town," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Bradley introduced a bill entitled "An act to amend an act entitled 'An act to authorize the village of Corning, Steuben county, to borrow money to construct water-works for said village,' passed April 11, 1871, being chapter 399 of the Laws of 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Harris introduced a bill entitled "An act authorizing the board of supervisors of the county of Albany to issue bonds to pay a portion of the bonds of said county that will mature during the year 1877," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act authorizing the board of trustees of the village of West Troy to contract for a supply of water for public purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Bixby introduced a bill entitled "An act in relation to the streets and avenues upon and bordering Morningside park, in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The Assembly sent for concurrence the bill entitled as follows :

"An act to legalize the assessment roll of the town of Kingsbury, in the county of Washington, for the year 1876, and the tax levied therein," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Coleman, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Coleman	Moore	Sprague
Bixby	Doolittle	Morrissey	Starbuck
Bradley	Emerson	Prince	Tobey
Carpenter	Harris	Robertson	Wagner
Cole	Jacobs	St. John	19

#### FOR THE NEGATIVE.

Schoonmaker

1

On motion of Mr. Coleman, and by unanimous consent, the rules were suspended, and the clerk was ordered to return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The President announced the following appointment :

*Mail Carrier* — William C. Stead.

The Clerk announced the following appointments: Edward P. Fancher, Librarian, in place of Wm. Ireland, resigned. Stafford Mosher, Assistant Librarian, in place of Edward P. Fancher, appointed Librarian.

On motion of Mr. Bradley, the Senate adjourned.

WEDNESDAY, JANUARY 10, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Sayre presented a petition of the bar of Oneida county, for the repeal of the "Code of Remedial Justice;" which was read and referred to the committee on the judiciary.

Mr. Sprague presented a petition of Peter Foster, for an appropriation to pay State bounty; which was read and referred to the committee on finance.

Mr. Sprague presented the Proceedings of the Buffalo Board of Trade, at a meeting held December 27, 1876; which was read and referred to the committee on canals.

Mr. Cole moved that the same be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

(See Doc. No. .)

Mr. Gerard presented the Seventh Annual Report of the Trustees of the Lenox Library; which was laid upon the table and ordered printed.

(See Doc. No. 8.)

The President presented a petition of K. M. Hesser, relative to taxes in the city of New York; which was read and referred to the committee on finance.

Mr. Prince presented the Fourth Annual Report of the State Commissioner on Lunacy; which was laid upon the table and ordered printed.

(See Doc. No. 12.)

Mr. Sayre presented the Thirty-fourth Annual Report of the Managers of the State Lunatic Asylum at Utica; which was laid upon the table and ordered printed.

(See Doc. No. 13.)

Mr. Prince introduced a bill entitled "An act to amend the charter of the 'Star Fire Insurance Company' of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

Mr. Hammond introduced a bill entitled "An act in relation to county treasurers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Kennaday introduced a bill entitled "An act in relation to corporations or joint stock companies of other States or territories," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Robertson introduced a bill entitled "An act for the preservation of the public peace, the protection of private property, and the maintenance of law and good order in the town of Greenburgh, in the county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.



Mr. Sprague introduced a bill entitled "An act to amend an act entitled 'An act to conform the charters of all savings banks or institutions for savings, to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision, and for the administration of their affairs,' passed May 17, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Mr. Sayre introduced a bill entitled "An act to amend an act entitled 'An act to incorporate societies for the improvement of poultry, small birds and domestic animals and fish culture,' passed April 29, 1874," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Moore offered the following :

*Resolved*, That John B. Austin be appointed messenger for committees on claims, agriculture and salt (jointly), for the session of 1877.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Bixby	Kennaday	Robertson	Tobey
Carpenter	Loomis	St. John	Wagner
Coleman	Moore	Sayre	Wagstaff
Harris	Morrissey	Sprague	Woodin
Jacobs	Prince	Starbuck	19

#### FOR THE NEGATIVE.

Bradley	Gerard	Hammond	McCarthy	4
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Mr. Emerson offered the following :

*Resolved*, That L. E. Dake be appointed messenger to the committee on public health and literature (jointly).

Mr. Jacobs moved that said resolution be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Lamont offered the following :

*Resolved* (if the Assembly concur), That section 6, of article 3, of the Constitution, be amended so as to read as follows :

§ 6. Each member of the Legislature shall receive for his services an annual salary of one thousand dollars. The members of either House shall also receive the sum of one dollar for every ten miles they shall travel in going to, and returning from, their place of meeting, once in each session, on the most usual route. Senators, when the Senate alone is convened in extraordinary session, or when serving as members of the court for the trial of impeachments, and such members of the Assembly, not exceeding nine in number, as shall be appointed managers of an impeachment, shall receive an additional allowance of ten dollars a day.

*Ordered*, That said resolution be laid upon the table.

The President *pro tem*. (Mr. Robertson) announced the following appointments :

*Pages*—George F. Connor, John J. Donohue, John H. Guenther, James T. Gaffeny, James Nearnny, George L. Zelig, David E. Conley, John Haley.

The President *pro tem.* (Mr. Robertson), announced the following as the standing committees of the Senate for 1877 :

*On Claims.*

Mr. Moore,	Mr. Harris,	Mr. Loomis.
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*On Finance.*

Mr. Harris,	Mr. Moore,	Mr. Jacobs.
Mr. McCarthy,	Mr. Hammond,	

*On Judiciary.*

Mr. Robertson,	Mr. Sprague,	Mr. Kennaday,
Mr. Prince,	Mr. Bradley,	Mr. Schoonmaker.
Mr. Carpenter,		

*On Militia.*

Mr. Wellman,	Mr. Doolittle,	Mr. Bixby.
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*On Canals.*

Mr. Cole,	Mr. Sayre,	Mr. St. John,
Mr. Sprague,	Mr. Starbuck,	Mr. Gerard.
Mr. Doolittle,		

*On Railroads.*

Mr. Selkreg,	Mr. Tobey,	Mr. Kennaday.
Mr. Wagner,	Mr. Bradley,	

*On Cities.*

Mr. Woodin,	Mr. Carpenter,	Mr. Jacobs,
Mr. Tobey,	Mr. Baaden,	Mr. Morrissey.
Mr. Wagner,		

*On Roads and Bridges.*

Mr. Sayre,	Mr. Selkreg,	Mr. Lamont.
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*On Literature.*

Mr. McCarthy,	Mr. Wagstaff,	Mr. Gerard.
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*On State Prisons.*

Mr. Wellman,	Mr. Vedder,	Mr. Schoonmaker.
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*On Banks.*

Mr. Coleman,	Mr. Wellman,	Mr. St. John.
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*On Insurance.*

Mr. Tobey,	Mr. Prince,	Mr. Bradley.
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*On Erection and Division of Towns and Counties.*

Mr. Emerson,	Mr. Cole,	Mr. Lamont.
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*On Agriculture.*

Mr. Moore,	Mr. Prince,	Mr. St. John.
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*On Commerce and Navigation.*

Mr. Prince,	Mr. Coleman,	Mr. Bixby.
Mr. Moore,	Mr. Loomis,	

*On Manufactures.*

Mr. Doolittle,	Mr. Baaden,	Mr. Lamont.
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*On Public Health.*

Mr. Emerson,	Mr. Wagstaff,	Mr. Bixby.
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*On Privileges and Elections.*

Mr. McCarthy,	Mr. Carpenter,	Mr. Starbuck.
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*On Engrossed Bills.*

Mr. Woodin,	Mr. Sprague,	Mr. Gerard.
Mr. Harris,	Mr. St. John,	

*On Indian Affairs.*

Mr. Vedder,	Mr. Selkreg,	Mr. Kennaday.
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*On Public Expenditure.*

Mr. Baaden,	Mr. McCarthy,	Mr. Loomis.
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*On Public Buildings.*

Mr. Coleman,	Mr. Emerson,	Mr. Hammond.
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*On Poor Laws.*

Mr. Selkreg,	Mr. Cole,	Mr. Kennaday.
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*On Retrenchment.*

Mr. Carpenter,	Mr. Emerson,	Mr. Morrissey.
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*On Miscellaneous Corporations.*

Mr. Sprague,	Mr. Wellman,	Mr. Starbuck.
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*On Grievances.*

Mr. Coleman,	Mr. Baaden,	Mr. Jacobs.
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*On Salt.*

Mr. Sayre,	Mr. Woodin,	Mr. Morrissey.
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*On Internal Affairs of Towns and Counties.*

Mr. Vedder,	Mr. Sayre,	Mr. Hammond.
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*On Printing.*

Mr. Wagner,	Mr. Doolittle,	Mr. Loomis.
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*On Villages.*

Mr. Carpenter,	Mr. Wagner,	Mr. Morrissey.
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*On Joint Library.*

Mr. Harris,	Mr. Wagstaff,	Mr. Schoonmaker.
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*On Rules.*

Mr. Woodin,	Mr. Robertson,	Mr. Jacobs.
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Mr. McCarthy introduced a bill entitled "An act authorizing the trustees of the First Methodist Church and the Young's Society of Jamesville, Onondaga county, to convey real estate," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

Mr. Wagstaff introduced a bill entitled "An act to provide for the abatement of nuisances by boards of health of incorporated cities," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

Also, a bill entitled "An act in relation to the powers of corporations," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

Mr. Bradley introduced a bill entitled "An act to amend the act entitled 'An act to provide for the incorporation of villages,' passed December 7, 1847, and the several acts amendatory thereof, so far as relates to the village of Corning, in the county of Steuben," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Jacobs moved to take from the table the resolution appointing a messenger to the committee on public health and literature (jointly).

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Selkreg
Bradley	Jacobs	Moore	Tobey
Cole	Kennaday	Morrissey	Wagner
Coleman	Lamont	Princee	Wagstaff
Doolittle	Loomis	Sayre	Woodin

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## FOR THE NEGATIVE.

Gerard	Harris	St. John	Starbuck
Hammond	Robertson	Selkreg	

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The President presented the Fifty-second Annual Report of the Managers of the Society for the Reformation of Juvenile Delinquents; which was laid upon the table and ordered printed.

(See Doc. No. 9.)

Also, the Annual Report of the State Board of Audit; which was laid upon the table and ordered printed.

(See Doc. No. 7.)

Mr. Gerard moved that the Senate do now go into executive session.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then went into executive session, and after some time spent therein the doors were opened and the Senate resumed legislative business.

Mr. Gerard, from the special committee, presented the following :

*Whereas*, It has pleased Almighty God to remove from this life James W. Booth, late a member of this Senate from the Fifth Senatorial District;

*Resolved*, That in the decease of James W. Booth, the Senate recognize the loss of an able and esteemed associate, a zealous and faithful public servant, and an honest and upright man; one whose conduct was unostentatious, whose life was blameless, whose aims were unselfish, and whose actions were characterized by regard for his fellow-men.

*Resolved*, That as a manifestation of regret and sympathy on the part of his associates in the Senate, that the clerk of the Senate do enter

these resolutions upon the journal at length, and forward to the family of the deceased a copy thereof.

J. W. GERARD,  
WM. B. WOODIN,  
ALFRED WAGSTAFF,

• *Committee.*

Mr. Gerard moved that the consideration of said resolutions be made the special order for next Wednesday, in the order of business of motions and resolutions.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

On motion of Mr. Bixby, the Senate adjourned.

## THURSDAY, JANUARY 11, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to facilitate the removal of clouds and apparent liens upon the title to real estate," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to extend the powers of county judges when holding courts in other counties than their own," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The President presented a communication from Commissioners to Revise the Statutes, accompanied by bill; which was read and referred to the committee on the judiciary.

Also, the Annual Report of the Canal Appraisers for the year 1876; which was laid on the table and ordered printed.

(*See Doc. No. 18.*)

Mr. Prince introduced a bill entitled "An act in relation to the organization of certain business corporations," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

Mr. Kennaday introduced a bill entitled "An act to release the right, title and interest of the people of the State of New York in and to certain real estate of which Thomas Dalton died seized to William E. Duncan," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. McCarthy introduced a bill entitled "An act to repeal chapter 180 of the Laws of 1875, entitled 'An act creating a board of town auditors in the several towns of this State and to prescribe their powers and duties,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Sayre introduced a bill entitled "An act to divide the Third and Seventh wards of the city of Utica, and to create the Eleventh and Twelfth wards therein," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Bradley offered the following :

*Resolved* (if the Assembly concur), That section 7 of article 6 of the Constitution be amended by adding thereto the following : " But nothing herein shall be construed to deprive the Legislature of the power of providing by law for the holding of such courts by persons other than the justices thereof, whenever the public exigency may require.

*Ordered*, That said resolution be laid upon the table.

By unanimous consent, Mr. Gerard asked and obtained leave to introduce a bill entitled "An act in relation to the duties of assessors and commissioners of taxes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

By unanimous consent, Mr. Jacobs asked and obtained leave to introduce a bill entitled "An act repealing chapter 449 of the Laws of 1876," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Jacobs asked and obtained leave to introduce a bill entitled "An act to repeal an act relating to courts, officers of justice and civil proceedings, passed June 2, 1876," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Jacobs moved that the Senate do now go into executive session.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then went into executive session, and after some time spent therein, the doors were opened, and,

On motion of Mr. Tobey, the Senate adjourned.

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## FRIDAY, JANUARY 12, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Selkreg presented a petition of 135 electors of Spencer, Tioga county, asking for the passage of a law prohibiting the granting of licenses; which was read and referred to the committee on internal affairs.

Mr. Wagstaff presented a memorial of the New York Public Health Association; which was read and referred to the committee on public health.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 426 of the Laws of 1868, entitled 'An act relative to the lands devised by Richard Ray,

deceased, passed April 28, 1868," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to release the right, title and interest of the people of the State of New York, in and to certain real estate of which Thomas Dalton died seized to Wm. E. Duncan," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to authorize the village of Corning, Steuben county, to borrow money to construct water-works for said village,' being chapter 399 of Laws of 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend chapter 628 of the Laws of 1874, entitled 'An act for the incorporation of villages,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hammond presented the Eighth Annual Report of the Trustees of the Willard Asylum for the Insane; which was laid upon the table and ordered printed.

(See Doc. No. 15.)

The Clerk announced the following reporters of the Senate:

John H. Farrell, Associated Press; George W. Bull, Buffalo Commercial Advertiser; Wm. H. McElroy, Albany Evening Journal; Chas. J. Hailes, Albany Argus; Chas. G. Shanks, New York World; John Anderson, New York Herald; Addison A. Keyes, Albany Express; Augustin Snow, Brooklyn Argus; Wm. B. Somerville, American Press Association; Henry C. Main, Troy Whig; W. E. Kisselburgh, Troy Times; George H. Levy, Troy Press; Wm. J. Evarts, Poughkeepsie News; James B. Swain, Hudson River Chronicle; D. L. Wing, Flushing Daily Journal; Timothy J. Dyson, Brooklyn Daily Eagle; O. C. Bentley, Owego Times; Chas. F. Seymour, Syracuse Journal.

Mr. Coleman introduced a bill entitled "An act to amend an act entitled 'An act authorizing the incorporation of rural cemetery associations, passed April 27, 1847,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

Mr. Wellman introduced a bill entitled "An act extending to corporations located in and organized under the laws of other States, certain rights and powers now possessed by similar corporations of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

Also, a bill entitled "An act to amend section 18, article 3, title 3 of chapter 130 of the Laws of 1842, entitled 'An act respecting elections, other than for militia and town officers,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Carpenter introduced a bill entitled "An act to amend chapter 613 of the Laws of 1875, entitled 'An act to authorize the formation of corporations for the safe keeping and guaranteeing of personal property,'"

which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Gerard introduced a bill entitled "An act to amend an act entitled 'An act supplementary to chapter 60 of the Laws of 1813, entitled An act to provide for the incorporation of religious societies and the acts supplementary thereto,' passed April 26, 1876," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

Also, a bill entitled "An act to amend an act entitled 'An act supplementary to chapter 60 of the Laws of 1813, entitled An act to provide for the incorporation of religious societies, and of the several acts amendatory thereof,' passed April 11, 1876," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

Mr. Harris introduced a bill entitled "An act in relation to county treasurers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act authorizing the board of supervisors of the county of Albany to issue bonds to pay a portion of the bonds of said county that will mature during the year 1877," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hammond offered the following:

*Resolved* (if the Assembly concur), That 2,500 extra copies of the Eighth Annual Report of the Trustees of the Willard Asylum be printed for the use of the asylum.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Jacobs moved that when the Senate adjourns to-day, it adjourn to meet on Monday evening at 8 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Vedder, the Senate adjourned.

## MONDAY, JANUARY 15, 1877.

The Senate met pursuant to adjournment.

Chaplain not present.

The journal of Friday, January 12, was read and approved.

Mr. Loomis presented a petition of residents of Laurens, Otsego county, for an act permitting the Butternuts and Sherburne Turnpike Company to abandon their road; which was read and referred to the committee on roads and bridges.

The Assembly sent for concurrence the bill entitled as follows:

"An act to extend the time for the collection of taxes in the towns of North Hempstead and Oyster Bay, in the county of Queens," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Wellman introduced a bill entitled "An act in relation to the Superintendent of State Prisons," which was read the first time, and by



unanimous consent was also read the second time, and referred to the committee on finance.

On motion of Mr. Moore, the Senate adjourned.

## TUESDAY, JANUARY 16, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Prince presented a memorial of the board of supervisors of Suffolk county, relative to the Shinnecock Indians; which was read and referred to the committee on finance.

Mr. Bradley presented the Report of the Managers of the New York State Inebriate Asylum for the year 1876; which was laid upon the table and ordered printed.

(See Doc. No. .)

The President presented the Sixth Annual Report of the Managers of the Buffalo State Asylum for the Insane; which was laid upon the table and ordered printed.

(See Doc. No. .)

Also, the report of the Board of Commissioners of the State Survey; which was laid upon the table and ordered printed.

(See Doc. No. 19.)

Also, the report of the Commissioners appointed to investigate the State Prisons; which was laid upon the table and ordered printed.

(See Doc. No. .)

Mr. Emerson presented the Twenty-eighth Annual Report of the Board of Managers of the Western House of Refuge for Juvenile Delinquents; which was laid upon the table and ordered printed.

(See Doc. No. 17.)

Mr. Robertson introduced a bill entitled "An act to authorize the trustees under the will of James Cunningham, to convey to the city of Brooklyn certain lands and hereditaments at the foot of Noble street, in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Lamont introduced a bill entitled "An act to amend chapter 440 of the Laws of 1873, entitled 'An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Harris introduced a bill entitled "An act to amend chapter 24 of the Laws of 1846, entitled 'An act to provide for the public printing,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public printing.

Mr. Jacobs introduced a bill entitled "An act further to amend the act entitled 'An act authorizing the incorporation of rural cemetery associations,' passed April 27, 1847," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

Mr. Bixby introduced a bill entitled "An act to amend the charter of the American Popular Life Insurance Company of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

Mr. Loomis introduced a bill entitled "An act abandoning the Butternuts and Sherburne Turnpike," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Sayre introduced a bill entitled "An act to authorize the Utica Mechanics' Association to borrow money to pay its floating debt, and to issue bonds and execute a mortgage to secure the payment of the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

The Assembly sent for concurrence the bill entitled as follows :

"An act to extend the time for the collection of taxes in the village of Edgewater, and for advertising the sale of land for unpaid taxes in said village," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Prince, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Gerard	Prince	Sprague
Bixby	Harris	Robertson	Starbuck
Bradley	Jacobs	St. John	Wagner
Carpenter	Loomis	Sayre	Wagstaff
Doolittle	Moore	Selkreg	Wellman
Emerson	Morrissey		

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Gerard offered the following :

*Resolved*, That the comptroller of the city of New York do forthwith report a statement of the real estate belonging to the corporation of the city of New York, other than wharves, piers, water lots, and such property as may be or is in use for public purposes; and that he further report what reasons in his opinion, if any, exist why the same or any part of the same should not be disposed of at public auction, or through sealed bids, by and under the direction of the commissioners of the sinking fund, and the proceeds thereof be paid into the public treasury to the credit of the sinking fund, pursuant to the authority conferred on said commissioners by chapter 335 of the Laws of 1873, to make such sales.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Bixby offered the following :

*Resolved*, That the Superintendent of the Insurance Department be and he hereby is requested to obtain from the various life insurance companies incorporated under the laws of the State of New York, a detailed statement showing the amounts paid in salaries, fees or other compensa-

tion or donation, to their respective presidents, vice-presidents, secretaries, medical examiners, attorneys, counselors and other employes, in the year 1876, and that such information be furnished to the Senate at the earliest date practicable.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to facilitate the removal of clouds and apparent liens upon the title to real estate."

"An act to extend the powers of county judges when holding courts in other counties than their own."

"An act to amend chapter 426 of the Laws of 1868, entitled 'An act relative to the lands devised by Richard Ray, deceased,' passed April 28, 1868."

After some time spent therein, the President resumed the chair, and Mr. Jacobs, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Jacobs, from the same committee, reported progress on the second and last named bills and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act authorizing the board of supervisors of the county of Albany to issue bonds to pay a portion of the bonds of said county that will mature during the year 1877."

"An act to amend chapter 628 of the Laws of 1874, entitled 'An act to amend an act entitled An act for the incorporation of villages,' passed April 20, 1870."

After some time spent therein, the President resumed the chair, and Mr. Prince, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered engrossed for a third reading.

By unanimous consent, Mr. Emerson offered the following:

*Resolved*, That there be printed 2,500 copies of the Twenty-eighth Annual Report of the Managers of the Western House of Refuge for Juvenile Delinquents, for the use of the managers.

*Ordered*, That said resolution be referred to the committee on public printing.

On motion of Mr. Emerson, the Senate adjourned.

WEDNESDAY, JANUARY 17, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend chapter 628 of the Laws of 1874, entitled 'An act to amend an act entitled An act for the incorporation of villages,' passed April 20, 1870."

"An act authorizing the board of supervisors of the county of Albany to issue bonds to pay a portion of the bonds of said county that will mature during the year 1877."

"An act to facilitate the removal of clouds and apparent liens upon the title to real estate."

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 440 of the Laws of 1873, entitled 'An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes,'" reported in favor of the passage of the same, with the title amended so as to read "An act to exempt Schoharie county from the provisions and operation of chapter 440 of the Laws of 1873, entitled 'An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes,'" and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 618 of the Laws of 1813, and of the Laws of 1875, entitled 'An act to authorize the formation of corporations for the safe keeping, and guaranteeing of personal property,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to extend the time for the collection of taxes in the towns of North Hempstead and Oyster Bay, in the county of Queens," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act in relation to the duties of assessors and commissioners of taxes," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act to provide for the correction and equalization of taxes and assessments," reported in favor of the passage of the same (Mr. Hammond, dissenting), and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act in relation to the Superintendent of State Prisons," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act extending to corporations located in and organized under the laws of other States, certain rights and powers now possessed by similar corporations of this State," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Gerard presented the Twenty-eighth Annual Report of the Trustees of the Astor Library, and also a supplemental statement of the same institution; which was laid upon the table and ordered printed.

(See Docs. Nos. 18, 20.)

The Assembly sent for concurrence a resolution in the words following:

Whereas, Notification has been received from the Secretary of the Board of Regents of the State of New York that vacancies have occurred

in said board by reason of the decease of James W. Booth and George R. Perkins; therefore,

*Resolved* (if the Senate concur), That the Legislature meet in joint session on Wednesday the 31st day of January instant, at 12 o'clock noon, for the purpose of electing Regents of the University in place of James W. Booth and George R. Perkins, deceased.

*Ordered*, That said resolution be laid upon the table.

Mr. Prince introduced a bill entitled "An act to amend chapter 611 of the Laws of 1875, entitled 'An act to provide for the organization and regulation of certain business corporations,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

Mr. Prince introduced a bill entitled "An act to provide for the incorporation of exchanges or boards of trade," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Emerson introduced a bill entitled "An act to amend the Revised Statutes relating to the assessment and collection of taxes," which was read the first time, and by unanimous consent was also read the second time.

Mr. Emerson moved that said bill be referred to the committee on miscellaneous corporations.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then referred to the committee on finance.

Mr. Wagstaff introduced a bill entitled "An act to amend the charter of the City Fire Insurance Company of the City of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

Mr. Wagstaff introduced a bill entitled "An act for the relief of Clotilde de Vernon," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Sayre introduced a bill entitled "An act to authorize the appointment of a librarian to take charge of the law library in the Fifth judicial district located at Utica," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

Mr. Selkreg introduced a bill entitled "An act providing for the recording of receipts and vouchers given by the county treasurer on account of infant heirs, imbecile, or other funds, so far as the same relates to the county of Tompkins," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Schoonmaker introduced a bill entitled "An act to amend an act to secure to creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors, passed April 13, 1860," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Bixby introduced a bill entitled "An act to incorporate St. Raymond's Cemetery of Westchester, in the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

The bill entitled "An act to facilitate the removal of clouds and apparent liens upon the title to real estate," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baden	Emerson	McCarthy	Selkreg
Bixby	Gerard	Moore	Sprague
Bradley	Hammond	Morrissey	Tobey
Carpenter	Harris	Prince	Wagner
Cole	Jacobs	Robertson	Wagstaff.
Coleman	Kennaday	Schoonmaker	Wellman
Doolittle	Lamont		

26

## FOR THE NEGATIVE.

Starbuck	1
----------	---

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 628 of the Laws of 1874, entitled 'An act to amend an act entitled An act for the incorporation of villages, passed April 20, 1870,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baden	Gerard	Moore	Sprague
Bixby	Hammond	Morrissey	Starbuck
Bradley	Harris	Prince	Tobey
Carpenter	Jacobs	Robertson	Vedder
Cole	Kennaday	Sayre	Wagstaff
Coleman	Lamont	Schoonmaker	Wellman
Doolittle	McCarthy		

26

## FOR THE NEGATIVE.

Selkreg	1
---------	---

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act authorizing the board of supervisors of the county of Albany to issue bonds to pay a portion of the bonds of said county that will mature during the year 1877," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baden	Emerson	McCarthy	Selkreg
Bixby	Gerard	Moore	Sprague
Bradley	Harris	Morrissey	Starbuck
Carpenter	Jacobs	Prince	Wagner

Cole	Kennedy	Robertson	Wagstaff	
Coleman	Lamont	Sayre	Wellman	
Doolittle	Loomis	Schoonmaker		27

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

Mr. Robertson moved that the Senate do now go into executive session.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then went into executive session, and after some time spent therein, the doors were opened, and the Senate resumed legislative business.

Mr. Prince offered the following :

*Resolved*, That the committee on public printing be requested to inquire why the bound copies of Senate and Assembly bills, with indices, have not been furnished to the legislative libraries.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The Senate then proceeded to the consideration of the special order, being the resolutions in the words following :

*Whereas*, It has pleased Almighty God to remove from this life James W. Booth, late a member of this Senate from the fifth Senate district.

*Resolved*, That in the decease of James W. Booth, the Senate recognize the loss of an able and esteemed associate, a zealous and faithful public servant, and an honest and upright man, one whose conduct was unostentatious, whose life was blameless, whose aims were unselfish and whose actions were characterized by regard for his fellow men.

*Resolved*, That as a manifestation of regret and sympathy on the part of his associates in the Senate, that the Clerk of the Senate do enter these resolutions upon the journal at length, and forward to the family of the deceased a copy thereof.

The President put the question whether the Senate would agree to said resolutions, and they were carried unanimously.

On motion of Mr. Jacobs the Senate adjourned.

## THURSDAY, JANUARY 18, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

The President presented the Annual Report of the Commissioners of Emigration for 1876; which was laid upon the table and ordered printed.

(See Doc. No. 21.)

Also, the Annual Report of the State Board of Charities; which was laid upon the table and ordered printed.

(See Doc. No. 22.)

Mr. Carpenter presented a petition in relation to amendments of the Code; which was read and referred to the committee on the judiciary.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to county treasurers," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to corporations or joint stock companies of other States or territories," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act in relation to corporations or joint stock companies of other States or territories, or Dominion of Canada," and said bill was committed to the committee of the whole.

Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to amend chapter 133 of Laws of 1847, entitled 'An act to authorize the incorporation of rural cemetery associations,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act in relation to the formation of certain business corporations," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to divide the Third and Seventh wards of the city of Utica, and to create the Eleventh and Twelfth wards therein," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the bills entitled as follows :

"An act to amend an act entitled 'An act authorizing the city of Schenectady to raise money for school purposes,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act making an appropriation for the expenses and compensation of certain commissioners and their employes appointed under chapter 382 of the Laws of 1876," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

Mr. Sprague introduced a bill entitled "An act to enable the Genesee Conference of the Methodist Episcopal Church to elect trustees of the Genesee Wesleyan Seminary," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

Also, a bill entitled "An act to change the corporate name of the Western New York Conference of the Methodist Episcopal Church," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

Also, a bill entitled "An act to repeal chapter 142 of the Laws of 1873," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act in relation to proceedings in the surrogate's court of the county of Erie, and to the powers and jurisdiction of the surrogate thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.



Mr. Wagstaff introduced a bill entitled "An act to amend section 7 of chapter 688 of the Laws of 1866, entitled 'An act in relation to the benevolent fund of the late volunteer fire department in the city of New York,' passed April 17, 1866, as amended by chapter 962 of the Laws of 1867, and as further amended by chapter 297 of the Laws of 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

Mr. Baaden introduced a bill entitled "An act to regulate the quality, supply and price of illuminating gas in the State of New York, and for the protection of manufacturers and consumers thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on manufactures.

Also, a bill entitled "An act to amend chapter 484 of the Laws of 1862, entitled 'An act in relation to the courts in the city and county of New York,' passed April 24, 1862," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Bradley introduced a bill entitled "An act to provide for the payment of bonds issued by municipal corporations under the provisions of chapter 907 of the Laws of 1869, and the acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Selkreg introduced a bill entitled "An act to provide for a farm and dairy experimental station," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

Mr. Wellman moved that the Senate do now go into executive session.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then went into executive session, and after some time spent therein, the doors were opened, and the Senate resumed legislative business.

Mr. Woodin offered the following:

*Whereas*, The annual message of his Excellency, the Governor, invites the attention of the Legislature to the questions growing out of the recent Presidential election; and

*Whereas*, The Constitution of the United States provides that in the election of the President "each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress," which electors are to meet and cast the vote of the State, and certify and transmit the same to the seat of the government of the United States, directed to the President of the Senate; therefore

*Resolved* (if the Assembly concur), That this provision fixes the intent of the Constitution that the several States shall determine, each for itself, the mode of appointing the electors, and of lawfully establishing who are appointed; and that the vote of the electors thus appointed and lawfully certified shall be received and counted as the vote of the State.

*Resolved* (if the Assembly concur), That a majority of the votes of the electors thus appointed by the several States, and meeting in their respective States in conformity with law on the sixth day of December last, determined the election of President and Vice-President of the

United States, and that it only remains to make lawful declaration of the result so determined.

*Resolved* (if the Assembly concur), That every State in full and undisturbed relations with the Union is entitled to participate in the election of President, and that the lawfully certified votes of its electors, appointed in the manner directed by its Legislature and subject only to the constitutional conditions, represent and embody the expressed will of the State, in accordance with the principle enunciated by Daniel Webster, "that the will of the people must prevail when it is ascertained," and that the only mode of ascertaining that will is "by some regular rule of proceeding prescribed by previous law."

*Resolved* (if the Assembly concur), That the declaration of the result of the Presidential election should be strictly governed by the principles of the Constitution, and by the established usage and practice under it; that the action of the Convention which framed the Constitution in organizing the new government thus created, when they resolved that "the Senators should appoint a President of the Senate for the sole purpose of receiving, opening and counting the votes for President;" that the argument of Charles Pinckney, a distinguished member of the Convention, made in the debates of 1800, in which he stated that "in the Federal Convention great care was taken to provide for the election of President independently of Congress; to take the business, as far as possible, out of their hands;" that the opinion of Henry Clay, expressed in subsequent debate, in which he declared that, unless the two Houses agreed upon a different method, "the President of the Senate would proceed to open and count the votes;" that the opinion of Chancellor Kent, which, for half a century, has remained unchallenged and unquestioned, in which he held that, "in the absence of legislative provision on the subject, the President of the Senate counts the votes and determines the result," combine to interpret the intent of the framers of the Constitution. Without going beyond its appropriate province, the Legislature of New York earnestly insists that no partisan effort should be suffered to defeat or embarrass the orderly course of law, which is so essential to the welfare and perpetuity of the Republic.

*Resolved* (if the Assembly concur), That the lawful declaration of the result of the election of President, as determined by the vote of a majority of the electors on the sixth day of December last, is binding upon all, and that in making such declaration and in upholding the Constitution and laws, the National authorities are entitled to the support of every patriotic citizen.

*Resolved* (if the Assembly concur), That any threat to disregard the result of the Presidential election and its lawful declaration, is incendiary in spirit and revolutionary in character; that every attempt to inflame partisan feeling and excite political passions upon a question which has passed beyond the appropriate arena of partisan conflict and remains only to be declared according to truth and law, calls for unqualified condemnation; and that the united voice of the people must enforce, as the supreme obligation of the hour, the duty of prompt and unhesitating acceptance of the legal determination.

*Ordered*, That said resolutions be laid upon the table.

Mr. Jacobs moved that said resolutions be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to extend the powers of county judges when holding courts in other counties than their own."

"An act to amend chapter 399 of the Laws of 1871, entitled 'An act to authorize the village of Corning, Steuben county, to borrow money to construct water-works for said village,' passed April 11, 1871."

"An act to release the right, title and interest of the people of the State of New York in and to certain real estate, of which Thomas Dalton died seized, to William E. Duncan."

After some time spent therein, the President resumed the chair, and Mr. Vedder, from said committee, reported in favor of the passage of the first and second named bills, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Vedder, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act in relation to the Superintendent of State prisons."

Assembly, "An act to extend the time for the collection of taxes in the towns of North Hempstead and Oyster Bay, in the county of Queens."

"An act to exempt Schoharie county from the provisions and operations of chapter 440 of the Laws of 1873, entitled 'An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes.'"

After some time spent therein, the President resumed the chair, and Mr. Carpenter, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Carpenter, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Carpenter, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

By unanimous consent, Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act authorizing the city of Schenectady to raise money for school purposes,'" reported in favor of the passage of the same, with the title amended so as to read, "An act to amend chapter 550 of the Laws of 1875, entitled 'An act authorizing the city of Schenectady to raise money for school purposes,'" and said bill was committed to the committee of the whole.

On motion of Mr. Woodin, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden  
Bixby

Harris  
Jacobs

Prince  
Robertson

Tobey  
Vedder

Carpenter	Kennaday	Sayre	Wagner
Cole	Lamont	Schoonmaker	Wagstaff
Coleman	McCarthy	Selkreg	Wellman
Doolittle	Moore	Sprague	Woodin
Emerson	Morrissey	Starbuck	27

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

By unanimous consent, Mr. Starbuck asked and obtained leave to introduce a bill entitled "An act to authorize the town of Wilna, in the county of Jefferson, to re-issue bonds to redeem and pay the bonds issued by said town in aid of the Utica and Black River Railroad Company, by virtue of chapter 624 of the Laws of 1886," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Harris offered the following:

*Resolved* (if the Assembly concur), That 1,500 extra copies of the Tenth Annual Report of the State Board of Charities be printed for the use of the board, 500 copies to be bound in muslin, and 1,000 in paper covers.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Jacobs moved that the Senate do now go into executive session.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then went into executive session, and after some time spent therein the doors were opened, and the Senate resumed legislative business.

On motion of Mr. Prince, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act to extend the time for the collection of taxes in the towns of North Hempstead and Oyster Bay, in the county of Queens," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Hammond	Morrissey	Tobey
Bixby	Harris	Prince	Vedder
Bradley	Jacobs	Robertson	Wagner
Carpenter	Kennaday	Sayre	Wagstaff
Cole	Lamont	Selkreg	Wellman
Doolittle	Moore	Sprague	23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

On motion of Mr. Doolittle the Senate adjourned.

## FRIDAY, JANUARY 19, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend section 18, article 3, title 3, of chapter 130 of the Laws of 1842, entitled 'An act respecting elections other than for militia and town officers,'" reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act re-appropriating money to pay drafts heretofore drawn by the Canal Commissioner," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend chapter 399 of the Laws of 1871, entitled 'An act to authorize the village of Corning, Steuben county, to borrow money to construct water-works for said village,' passed April 11, 1871."

"An act to exempt Schoharie county from the provisions and operations of chapter 440 of the Laws of 1873, entitled 'An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes.'"

"An act to release the right, title and interest of the people of the State of New York in and to certain real estate, of which Thomas Dalton died seized, to William E. Duncan."

"An act to extend the powers of county judges when holding courts in other counties than their own."

The Assembly sent for concurrence the bill entitled as follows:

"An act to legalize the official acts of the assessors of the village of Wellsville, Allegany county, and to extend the time for the collection of taxes therein," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Wellman, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	St. John
Bixby	Gerard	McCarthy	Sayre
Bradley	Harris	Moore	Selkreg
Carpenter	Jacobs	Morrissey	Sprague
Cole,	Kennaday	Prince	Tobey

Coleman  
Doolittle

Lamont

Robertson

Wellman

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Doolittle introduced a bill entitled "An act to authorize railroad companies to charge and collect an excess of ten cents where fare is paid in the cars," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Baaden introduced a bill entitled "An act to provide for the payment of goods, merchandise and material furnished, and labor performed in fitting up and furnishing armories and drill rooms in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Jacobs introduced a bill entitled "An act to amend an act entitled 'An act amending chapter 837 of the Laws of 1868, and chapter 623 of the Laws of 1869, in reference to the laying out, opening and continuing of Bushwick avenue, in the town of New Lots, Kings county,' passed May 21, 1873," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Gerard introduced a bill entitled "An act as to the form of policies of insurance issued by insurance companies doing business in this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

The bill entitled "An act to exempt Schoharie county from the provisions and operations of chapter 440 of the Laws of 1873, entitled 'An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Selkreg
Bixby	Gerard	Moore	Sprague
Bradley	Harris	Morrissey	Tobey
Carpenter	Jacobs	Prince	Vedder
Cole	Kennaday	Robertson	Wellman
Coleman	Lamont	St. John	Woodin
Doolittle	Loomis	Sayre	

27

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act to amend chapter 399 of the Laws of 1871, entitled 'An act to authorize the village of Corning, Steuben county, to borrow money to construct water-works for said village,' passed April 11, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Kennaday	Robertson
Bixby	Emerson	Loomis	St. John
Bradley	Gerard	McCarthy	Sayre
Carpenter	Hammond	Morrissey	Tobey
Cole	Harris	Prince	Wellman
Coleman	Jacobs		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to release the right, title and interest of the people of the State of New York in and to certain real estate, of which Thomas Dalton died seized, to Wm. E. Duncan," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Baaden	Hammond	McCarthy	Selkreg
Bixby	Harris	Moore	Sprague
Carpenter	Jacobs	Morrissey	Tobey
Coleman	Kennaday	Robertson	Vedder
Doolittle	Lamont	St. John	Wellman
Emerson	Loomis	Sayre	Woodin
Gerard			

25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to extend the powers of county judges when holding courts in other counties than their own," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Selkreg
Bixby	Gerard	McCarthy	Sprague
Carpenter	Hammond	Moore	Starbuck
Cole	Harris	Robertson	Tobey
Coleman	Kennaday	St. John	Vedder
Doolittle	Lamont	Sayre	

23

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

Mr. Kennaday offered the following :

*Resolved*, That the Senate adjourn at 12.30 P. M. this day, to meet on Monday evening next at 8 o'clock.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Sayre offered the following :

*Resolved* (if the Assembly concur), That 3,000 copies of the annual report of the Board of Managers of the New York State Lunatic Asylum at Utica, be printed; 2,000 copies for the use of the managers, and 1,000 for the Legislature.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Woodin called from the table the concurrent resolutions, in the words following :

*Whereas*, The annual message of his excellency, the Governor, invites the attention of the Legislature to the questions growing out of the recent presidential election ; and,

*Whereas*, The Constitution of the United States provides that in the election of the President each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of senators and representatives to which the State may be entitled in the Congress, which electors are to meet and cast the vote of the State, and certify and transmit the same to the seat of the government of the United States, directed to the president of the Senate ; therefore

*Resolved* (if the Assembly concur), That this provision fixes the intent of the Constitution, that the several States shall determine each for itself the mode of appointing the electors and of lawfully establishing who are appointed ; and that the vote of the electors thus appointed and lawfully certified shall be received and counted as the vote of the State.

*Resolved* (if the Assembly concur), That a majority of the votes of the electors thus appointed by the several States, and meeting in their respective States in conformity with law, on the sixth day of December last, determined the election of President and Vice-President of the United States, and that it only remains to make lawful declaration of the result so determined.

*Resolved* (if the Assembly concur), That every State in full and undisturbed relations with the Union is entitled to participate in the election of president, and that the lawfully certified votes of its electors appointed in the manner directed by its Legislature and subject only to the constitutional conditions, represent and embody the expressed will of the State in accordance with the principles enunciated by Daniel Webster, "that the will of the people must prevail when it is ascertained," and that the only mode of ascertaining that will is "by some regular rule of proceeding prescribed by previous law."

*Resolved* (if the Assembly concur), That the declaration of the result of the presidential election should be strictly governed by the principles of the Constitution and by the established usages and practices under it ; that the action of the convention which framed the Constitution in organizing the new government thus created, when they resolved that the "Senators should appoint a president of the Senate for the sole purpose of receiving, opening and counting the votes for president ;" that the argument of Charles Pinckney, a distinguished member of the convention, made in the debates of 1800, in which he stated that "in the federal convention great care was taken to provide for the election of president independently of Congress ; to take the business, as far as possible, out of their hands ;" that the opinion of Henry Clay, expressed in subsequent debate, in which he declared that, unless the two houses agreed upon a different method, "the president of the Senate would proceed to open and count the votes ;" that the opinion of Chancellor Kent, which, for half a century, has remained unchallenged and unquestioned, in which "he held that, in the absence of legislative provision on the subject, the president of the Senate counts the votes and determines the result," combine to interpret the intent of the framers of the Constitution. Without going beyond its appropriate province, the Legislature of New York earnestly insists that no partisan efforts should be allowed to def-



or embarrass the orderly course of law which is so essential to the welfare and perpetuity of the republic.

*Resolved* (if the Assembly concur), That the lawful declaration of the result of the election of president, as determined by the vote of a majority of the electors on the sixth day of December last is binding upon all, and that in making such declaration and in upholding the Constitution and the laws, the national authorities are entitled to the support of every patriotic citizen.

*Resolved* (if the Assembly concur), That any threat to disregard the result of the presidential election, and its lawful declaration, is incendiary in spirit and revolutionary in character; that every attempt to inflame partisan feeling, and excite political passions, upon a question which has passed beyond the appropriate arena of partisan conflict, and remains only to be declared according to truth and law, calls for unqualified condemnation, and the united voice of the people must enforce, as the supreme obligation of the hour, the duty of prompt and unhesitating acceptance of the legal determination.

Mr. Jacobs moved that the consideration of the resolutions be made a special order for Tuesday next, during order of business of motions and resolutions.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Robertson called from the table the Assembly concurrent resolution in the words following:

*Whereas*, Notification has been received from the Secretary of the Board of Regents of the State of New York, that vacancies have occurred in said board by reason of the decease of James W. Booth and George R. Perkins; therefore,

*Resolved* (if the Senate concur), That the Legislature meet in joint session on Wednesday the thirty-first day of January instant, at 12 o'clock, noon, for the purpose of electing Regents of the University in place of James W. Booth and George R. Perkins, deceased.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly with a message informing that the Senate have concurred in the passage of the same.

On motion of Mr. Gerard the Senate adjourned.

## MONDAY, JANUARY 22, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of Friday, January 19, was read and approved.

The President presented the report of the New York Infant Asylum for the year ending December 31, 1876; which was laid upon the table and ordered printed.

(See Doc. No. .)

The Assembly sent for concurrence a bill entitled as follows :

"An act to amend section 73 of chapter 370 of the Laws of 1875, entitled 'An act to amend and consolidate the several acts relating to the city of Elmira,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Schoonmaker introduced a bill entitled "An act in relation to what are commonly called 'pools,' and the registering of bets and wagers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Sayre introduced a bill entitled "An act to authorize the city of Utica to borrow money for the purpose of erecting a police station-house and lock-up therein, and to make necessary repairs to the city hall building," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to constitute the associate rector of St. Luke's Memorial Church in the city of Utica, county of Oneida and State of New York, a member of the vestry of such church, with power to call meetings thereof, and to preside at such meetings and at stated annual elections, and at other elections," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

Mr. Sprague introduced a bill entitled "An act to legalize and confirm the official acts of Oliver G. Steele, Howard H. Baker, and Edward L. Stevenson, as real estate commissioners of the Young Men's Association of the city of Buffalo," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to amend the charter of the Young Men's Association of the city of Buffalo," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Gerard introduced a bill entitled "An act for the punishment of defaulting executors, administrators, guardians and trustees," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Carpenter introduced a bill entitled "An act to amend chapter 379 of the Laws of 1860, entitled 'An act relating to actions, legal proceedings and claims against the mayor, aldermen and commonalty of the city of New York,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to amend chapter 586 of the Laws of 1867, entitled 'An act to enable the board of supervisors of the county of New York to raise money by tax for the use of the corporation of the city of New York, and in relation to the expenditure thereof, and to provide for the auditing and payment of unsettled claims against said city, and in relation of actions at law against said corporation,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Schoonmaker introduced a bill entitled "An act to amend chapter 408 of the Laws of 1870, entitled 'An act relating to the Supreme Court, and to the election of a judge of the court of common pleas in and for

the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Morrissey offered the following :

*Resolved*, That the comptroller of the city of New York be requested to report to the Senate, within ten days, the following facts :

1. The bonded indebtedness of the city of New York, specifying in detail each issue separately, and with reference to each class, giving the date of issue, the law or laws under which issued, the amount outstanding, the due date, the rate of interest, and for which of the classes of bonds specified, the revenues or sinking fund of the city are pledged.

2. As near as can be conveniently ascertained, the amount of the claims outstanding against the city disputed by the local authorities.

3. The amount of the sinking fund of the city, specifying of what securities such sinking fund consists, giving such details that they may be identified whenever they are a portion of the bonds reported as outstanding under the first inquiry above.

4. The amount and classes of the bonds of the city outstanding, and not already in the sinking fund, for the redemption of which the revenues or sinking fund of the city are specifically pledged.

5. The outstanding assessments upon real estate unpaid, but constituting subsisting liens upon the party, omitting those when the amount of the assessments have been realized by the city, by a sale of the property.

6. Approximately, the amount which the city has advanced upon uncompleted contracts or public improvements in progress, for which assessments can be hereafter imposed.

7. What important works are now in progress or authorized by law, the expense of which is paid, or authorized to be paid, from bonds other than assessment bonds, and under what laws are they progressing, and what approximately will be the further amount required to complete them.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Selkreg offered the following :

*Resolved*, That the Superintendent of the Department of Insurance be requested, in case the New York Equitable Life Insurance Company has filed a regular report of the bonds and mortgages held by it on the 31st of December, 1875, to communicate that fact to the Senate ; but if such report has not been filed, that he be further requested to immediately demand of the officers of the New York Equitable Life Insurance Company, a prompt and full compliance with statute regulations upon this branch of their duty.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Cole offered the following :

*Resolved*, That the State printers be and they hereby are directed to print, with as little delay as possible, the report of the Auditor upon tonnage, trade, etc.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Cole offered the following :

*Resolved*, That 2,000 copies of the Eighth Annual Report of the New York State Institution for the Blind (at Batavia), be printed for the use of the institution.

*Ordered*, That said resolution be referred to the committee on public printing.

The Assembly returned the bill entitled "An act to amend chapter 550 of the Laws of 1875, entitled 'An act authorizing the city of Schenectady to raise money for school purposes,'" with a message that they have concurred in the amendments of the Senate thereto.

*Ordered*, That the Clerk return said bill to the Assembly.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend chapter 613 of the Laws of 1875, entitled 'An act to authorize the formation of corporations for the safe-keeping and guaranteeing of personal property.'"

"An act to amend chapter 426 of the Laws of 1868, entitled 'An act relative to the lands devised by Richard Ray, deceased,' passed April 28, 1868."

"An act in relation to county treasurers."

After some time spent therein, the President resumed the chair, and Mr. Vedder, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Vedder, from the same committee, reported progress on the second and last named bills and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend chapter 133 of the Laws of 1847, entitled 'An act authorizing the incorporation of rural cemetery associations,' passed April 27, 1847."

"An act to divide the Third and Seventh wards of the city of Utica, and to create the Eleventh and Twelfth wards therein."

"An act reappropriating money to pay drafts heretofore drawn by the Canal Commissioner."

After some time spent therein, the President resumed the chair, and Mr. Cole, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Cole, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

On motion of Mr. Starbuck the Senate adjourned.

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TUESDAY, JANUARY 23, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to authorize the city of Utica to borrow money for the purpose of erecting a police station-house and lock-up therein, and to make necessary repairs in the city hall building," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to incorporate St. Raymond's cemetery of Westchester, in the State of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend chapter 613 of the Laws of 1875, entitled 'An act to authorize the formation of corporations for the safe-keeping and guaranteeing of personal property.'"

"An act reappropriating money to pay drafts heretofore drawn by the Canal Commissioner."

"An act to amend chapter 133 of the Laws of 1847, entitled 'An act authorizing the incorporation of rural cemetery associations.'"

"An act to divide the Third and Seventh wards of the city of Utica, and to create the Eleventh and Twelfth wards therein."

The bill entitled "An act re-appropriating money to pay drafts heretofore drawn by the Canal Commissioner," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Schoonmaker
Bixby	Gerard	Moore	Selkreg
Bradley	Hammond	Morrissey	Sprague
Carpenter	Harris	Prince	Starbuck
Cole	Kennaday	Robertson	Wagner
Coleman	Lamont	St. John	Woodin
Doolittle	Loomis	Sayre	

27

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act to divide the Third and Seventh wards of the city of Utica, and to create the Eleventh and Twelfth wards therein," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Schoonmaker
Bixby	Gerard	Moore	Selkreg
Bradley	Harris	Prince	Sprague
Carpenter	Kennaday	Robertson	Starbuck
Cole	Lamont	St. John	Wagner

Coleman  
Doolittle

Loomis

Sayre

Wagstaff

25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 133 of the Laws of 1847, entitled 'An act entitled An act authorizing the incorporation of rural cemetery associations,' passed April 27, 1847," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baden	Emerson	McCarthy	Schoonmaker
Bixby	Gerard	Moore	Selkreg
Bradley	Harris	Morrissey	Sprague
Carpenter	Jacobs	Prince	Starbuck
Cole	Kennaday	Robertson	Wagner
Coleman	Lamont	St. John	Wagstaff
Doolittle	Loomis	Sayre	

27

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 613 of the Laws of 1875, entitled 'An act to authorize the formation of corporations for the safe-keeping and guaranteeing of personal property,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baden	Gerard	Moore	Schoonmaker
Bixby	Jacobs	Morrissey	Selkreg
Carpenter	Kennaday	Prince	Sprague
Cole	Lamont	Robertson	Tobey
Coleman	Loomis	St. John	Wagner
Doolittle	McCarthy	Sayre	Wagstaff

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The President announced the special order, being the concurrent resolutions in the words following :

*Whereas*, The annual message of his Excellency, the Governor, invites the attention of the Legislature to the questions growing out of the recent Presidential election ; and

*Whereas*, The Constitution of the United States provides that in the election of the President "each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress," which electors are to meet and cast the vote of the State, and certify and transmit the same to the seat of the government of the United States, directed to the President of the Senate ; therefore

*Resolved* (if the Assembly concur), That this provision fixes the intent of the Constitution that the several States shall determine, each for itself, the mode of appointing the electors, and of lawfully establishing who are appointed; and that the vote of the electors thus appointed and lawfully certified shall be received and counted as the vote of the State.

*Resolved* (if the Assembly concur), That a majority of the votes of the electors thus appointed by the several States, and meeting in their respective States in conformity with law on the sixth day of December last, determined the election of President and Vice-President of the United States, and that it only remains to make lawful declaration of the result so determined.

*Resolved* (if the Assembly concur), That every State in full and undisturbed relations with the Union is entitled to participate in the election of President, and that the lawfully certified votes of its electors, appointed in the manner directed by its Legislature and subject only to the constitutional conditions, represent and embody the expressed will of the State, in accordance with the principle enunciated by Daniel Webster, "that the will of the people must prevail when it is ascertained," and that the only mode of ascertaining that will is "by some regular rule of proceeding prescribed by previous law."

*Resolved* (if the Assembly concur), That the declaration of the result of the Presidential election should be strictly governed by the principles of the Constitution, and by the established usage and practice under it; that the action of the Convention which framed the Constitution in organizing the new government thus created, when they resolved that "the Senators should appoint a President of the Senate for the sole purpose of receiving, opening and counting the votes for President;" that the argument of Charles Pinckney, a distinguished member of the Convention, made in the debates of 1800, in which he stated that "in the Federal Convention great care was taken to provide for the election of President independently of Congress, to take the business, as far as possible, out of their hands;" that the opinion of Henry Clay, expressed in subsequent debate, in which he declared that, unless the two Houses agreed upon a different method, "the President of the Senate would proceed to open and count the votes;" that the opinion of Chancellor Kent, which, for half a century, has remained unchallenged and unquestioned, in which he held that, "in the absence of legislative provision on the subject, the President of the Senate counts the votes and determines the result," combine to interpret the intent of the framers of the Constitution. Without going beyond its appropriate province, the Legislature of New York earnestly insists that no partisan effort should be allowed to defeat or embarrass the orderly course of law, which is so essential to the welfare and perpetuity of the Republic.

*Resolved* (if the Assembly concur), That the lawful declaration of the result of the election of President, as determined by the vote of a majority of the electors on the sixth day of December last, is binding upon all, and that in making such declaration and in upholding the Constitution and laws, the National authorities are entitled to the support of every patriotic citizen.

*Resolved* (if the Assembly concur), That any threat to disregard the result of the Presidential election and its lawful declaration, is incendiary in spirit and revolutionary in character; that every attempt to inflame partisan feeling and excite political passions upon a question which has

passed beyond the appropriate arena of partisan conflict and remains only to be declared according to truth and law, calls for unqualified condemnation ; and that the united voice of the people must enforce, as the supreme obligation of the hour, the duty of prompt and unhesitating acceptance of the legal determination.

Mr. Kennaday moved that the consideration of said resolutions be postponed until Tuesday next.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Jacobs	Loomis	Schoonmaker
Bradley	Kennaday	Morrissey	Starbuck
Gerard	Lamont	St. John	Wagstaff
Hammond			

13

## FOR THE NEGATIVE.

Baaden	Emerson	Robertson	Tobey
Carpenter	Harris	Sayre	Vedder
Cole	McCarthy	Selkreg	Wagner
Coleman	Moore	Sprague	Woodin
Doolittle	Prince		

18

Mr. Jacobs moved to amend the resolutions so as to read as follows :

*Resolved* (if the Assembly concur), That we approve the bill now before Congress providing for a determination of all questions relating to the electoral vote as a wise, statesmanlike and patriotic measure, and we hereby request the senators and representatives from New York to support the said bill.

Mr. Jacobs moved that the same be referred to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Jacobs	Loomis	Schoonmaker
Bradley	Kennaday	Morrissey	Starbuck
Gerard	Lamont	St. John	Wagstaff
Hammond			

13

## FOR THE NEGATIVE.

Baaden	Emerson	Robertson	Tobey
Carpenter	Harris	Sayre	Vedder
Cole	McCarthy	Selkreg	Wagner
Coleman	Moore	Sprague	Woodin
Doolittle	Prince		

18

Pending question on amendment,

Mr. Jacobs moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Woodin moved that the Senate take a recess until half-past seven o'clock p. m.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, the president voting in the negative.

Mr. Jacobs moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.



Mr. Woodin moved that the Senate take a recess until half-past seven o'clock, P. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

### HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

The Senate again resumed the consideration of the concurrent resolution, relative to the subject of national affairs, referred to in the Governor's message.

Mr. Schoonmaker moved that said resolution be amended so as to read as follows:

*Whereas*, A crisis of the gravest character has arisen in our National affairs, growing out of the recent presidential election, and the constitutional and just mode of ascertaining and declaring the true result, involving wide diversity of public sentiment, and calling for the subordination of partisan purposes and personal aims, to the exercise of patriotism and wise statesmanship; and

*Whereas*, "It is impossible to estimate the material loss the country daily sustains from the existing state of uncertainty, inasmuch as it directly and powerfully tends to unsettle and paralyze business, to weaken public and private credit, and to create apprehensions in the minds of the people that disturb the peaceful tenor of their ways and their pursuit of happiness, as well as to bring republican institutions into discredit, and to create doubts of the success of our form of government, and of the perpetuity of the republic;" and,

*Whereas*, "Upon just principles of civil institutions, however important it may be deemed whether one citizen or another shall be the chief magistrate for a prescribed period, it is of far greater moment that the will of the people, lawfully expressed in the choice of that officer, shall be ascertained and carried into effect in a lawful way; and all considerations of interest, of patriotism and of justice unite in demanding of the law making power of the nation a measure that will bring peace and prosperity to the country, and show that our republican institutions are equal to any emergency;" and

*Whereas*, The joint committee of the two houses of Congress, charged with the great duty of preparing a constitutional and lawful mode of ascertaining and giving effect to the will of the people expressed by their votes, have, in a spirit of patriotism and statesmanship worthy of the Fathers of the Republic, matured and reported a measure for that purpose that promises a settlement of existing disputes, that will be just, that will carry with it the sanction of law, and command the acquiescence of all patriotic and law abiding citizens.

*Resolved* (if the Assembly concur), That the plan proposed by the joint committee of the two houses of Congress for the peaceful and prompt settlement of the controverted questions relating to the last presidential election, is approved by the Legislature of the State of New York, and is commended to the people as a measure honorable to all parties, and designed to secure, by constitutional and lawful methods, a just and unbiased determination, to preserve the peace of the country and to restore confidence and prosperity in business pursuits; and that

the senators and representatives in Congress from the State of New York are respectfully requested to give to said measure their earnest support.

Pending which,

Mr. Wagstaff moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Debate again ensuing, pending the question upon the amendment of Mr. Schoonmaker,

On motion of Mr. Kennaday, the Senate adjourned.

### WEDNESDAY, JANUARY 24, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Schoonmaker presented a petition of the trustees of the village of Athens, for the passage of a bill amending chapter 339 of the Laws of 1875; which was read and referred to the committee on the affairs of villages.

Also, a petition of the trustees of the village of Athens, for the passage of an act in relation to a ferry belonging to said village; which was read and referred to the committee on the affairs of villages.

Mr. Gerard presented a petition of the New York Protestant Episcopal Public School, relative to the Eastern boulevard, New York city; which was read and referred to the committee on the affairs of cities.

Mr. Robertson presented a petition of the board of education of school district No. 4 of the town of Eastchester, for special act for the government of said district; which was read and referred to the committee on literature.

Mr. Bixby presented a petition of the Vessel Owner's Association, for the repeal of the act in reference to the pilotage of the East river; which was read and referred to the committee on commerce and navigation.

Mr. Emerson presented a petition of citizens of the town of Pittsford, for the passage of an act making women eligible for officers pertaining to common schools; which was read and referred to the committee on literature.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 379 of the Laws of 1860, entitled 'An act relating to actions, legal proceedings and claims against the mayor, aldermen and commonalty of the city of New York,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 586 of the Laws of 1867, entitled 'An act to enable the board of supervisors of the county of New York to raise money by tax for the use of the corporation of the city of New York, and in relation to the expenditure thereof, and to provide for the auditing and payment of unsettled claims against said city, and in relation to actions at law against corporation,'" reported

in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend the charter of the Young Men's Association of the city of Buffalo," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 408 of the Laws of 1870, entitled 'An act relating to the Supreme Court and to the election of a judge of the Court of Common Pleas, in and for the city and county of New York,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend 'An act to secure to creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors,' passed April 12, 1860," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 348 of the Laws of 1860, entitled 'An act to secure to creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors,' as amended by chapter 56 of the Laws of 1875," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to legalize and confirm the official acts of Oliver G. Steele, Howard H. Baker and Edward L. Stevenson, as real estate commissioners of the Young Men's Association of the city of Buffalo," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The President, on behalf of the State Military Association, extended to the Senate an invitation to attend the annual meeting of the association this evening, at Agricultural Hall.

Mr. Jacobs moved that the invitation be accepted.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Morrissey introduced a bill entitled "An act relating to the payment of assessments for local improvements in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Prince introduced a bill entitled "An act further to amend chapter 320 of the Laws of 1872, entitled 'An act to amend an act in relation to the rates of wharfage, and to regulate piers, wharves, bulk-heads and slips, in the city of New York and Brooklyn,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Also, a bill entitled "An act further to amend chapter 819 of the Laws of 1866, entitled 'An act to incorporate the village of New Brighton,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Robertson introduced a bill entitled "An act to amend chapter 235 of the Laws of 1873, entitled 'An act to amend an act entitled An act to establish free schools in school district number four in the town of Eastchester, Westchester county,' passed June 8, 1853," which was

read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

Mr. Wagstaff introduced a bill entitled "An act to amend an act entitled 'An act to amend section 67 of article 2, chapter 1, part 2, title 2, of the Revised Statutes, in relation to trusts,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to amend an act entitled 'An act to conform the charters of all savings banks or institutions for savings, to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision, and for the administration of their affairs,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Also, a bill entitled "An act enabling the stockholders of the Germania Fire Insurance Company of the city of New York to reduce the number of its directors," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

Mr. Gerard introduced a bill entitled "An act to amend an act entitled 'An act to provide for the Eastern boulevard in the city of New York, and in relation to certain alterations of the map or plan of said city, and certain local improvements in connection therewith, to amend chapter 626 of the Laws of 1870,' passed May 16, 1873," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Schoonmaker introduced a bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act for the incorporation of villages, passed April 20, 1870,' passed May 15, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Also, a bill entitled "An act securing the village of Athens the same ownership and possession of the ferry between the village of Athens and the city of Hudson, as was heretofore owned and possessed by the trustees of the village of Athens, and also giving to the trustees of the village of Athens the exclusive right to establish and lease the ferries from the said village to the eastern shore of the river, and for the prevention of obstructions to the entrance to the ferry slip," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Harris introduced a bill entitled "An act to provide for the election and defining the powers and duties of a police justice in the town of Watervliet, in the county of Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to facilitate the transfer of life insurance policies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

Mr. Bixby introduced a bill entitled "An act to amend section 1 of chapter 636 of the Laws of 1867, entitled 'An act authorizing the New York Society for the relief of the Ruptured and Crippled to hold real and personal estate,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act relative to taxes and assessments in the city of New York, and the payment of arrears thereof, and to provide for reissuing revenue bonds in anticipation of such taxes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to repeal chapter 293 of the Laws of 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Gerard offered the following :

*Resolved* (if the Assembly concur), That article 6 of the Constitution be amended by the addition of the following section :

§ 29: On the 1st day of January, 1879, the Court of Common Pleas for the city and county of New York, and the Superior Court of the city of New York, shall cease to exist, and all the jurisdiction of said courts shall vest in, and all the judges of said courts then in office shall become justices of the Supreme Court; and any judicial power in civil and criminal cases, and any judicial power as a county judge, and other special authority and jurisdiction now vested in any or either of the judges of either of said courts, shall vest in the justices of the Supreme Court for the First Department, to be exercised in such manner and under such limitations as the Legislature may prescribe, or, so long as the Legislature shall not have acted, then in such manner and under such limitations and regulations as the General Term for such First Department shall from time to time prescribe; and, thereupon, the judges so transferred shall hold their places for the remainder of the respective terms for which they shall have been chosen or appointed, and suits, actions, appeals, motions and proceedings then pending in the courts so abolished, shall be and become immediately transferred to the Supreme Court for the First Department, without prejudice to any undertaking, bond, pleading, deposition, or other entry or proceeding previously had therein; and thereafter there shall be seventeen justices of the Supreme Court for the First Department (which shall consist of the city and county of New York) chosen or appointed as provided by the Constitution of this State, and the salaries of all said justices, except five, shall be provided for and paid by the city of New York.

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that in conformity to section 1 of article 13 of the Constitution, it be published for three months previous to the time of such election.

*Ordered*, That said resolutions be referred to the committee on the judiciary.

Mr. Lamont called from the table the concurrent resolution in the words following:

*Resolved* (if the Assembly concur), That section 6 of article 3 of the Constitution be amended so as to read as follows:

§ 6. Each member of the Legislature shall receive for his services an annual salary of \$1,000. The members of either house shall also receive the sum of one dollar for every ten miles they shall travel, in going to and returning from their place of meeting once in each session on the most usual route. Senators, when the Senate alone is convened in extraordinary session, or when serving as members of the court for the trial of impeachment, and such members of the Assembly, not exceeding nine

in number, as shall be appointed managers of an impeachment, shall receive an additional allowance of ten dollars a day.

Mr. Lamont moved that said resolution be referred to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion; and it was decided in the affirmative.

Mr. Woodin moved that the Senate proceed to the consideration of the concurrent resolutions and the proposed amendments thereto, in the words following:

*Whereas*, The annual message of his excellency, the Governor, invites the attention of the Legislature to the questions growing out of the recent presidential election; and,

*Whereas*, The Constitution of the United States provides that in the election of the President each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of senators and representatives to which the State may be entitled in the Congress, which electors are to meet and cast the vote of the State, and certify and transmit the same to the seat of the government of the United States, directed to the President of the Senate; therefore

*Resolved* (if the Assembly concur), That this provision fixes the intent of the Constitution, that the several States shall determine each for itself the mode of appointing the electors and of lawfully establishing who are appointed; and that the vote of the electors thus appointed and lawfully certified shall be received and counted as the vote of the State.

*Resolved* (if the Assembly concur), That a majority of the votes of the electors thus appointed by the several States, and meeting in their respective States in conformity with law, on the sixth day of December last, determined the election of President and Vice-President of the United States, and that it only remains to make lawful declaration of the result so determined.

*Resolved* (if the Assembly concur), That every State in full and undisturbed relations with the Union is entitled to participate in the election of President, and that the lawfully certified votes of its electors appointed in the manner directed by its Legislature and subject only to the constitutional conditions, represent and embody the expressed will of the State in accordance with the principles enunciated by Daniel Webster, "that the will of the people must prevail when it is ascertained," and that the only mode of ascertaining that will is "by some regular rule of proceeding prescribed by previous law."

*Resolved* (if the Assembly concur), That the declaration of the result of the presidential election should be strictly governed by the principles of the Constitution and by the established usages and practices under it; that the action of the convention which framed the Constitution in organizing the new government thus created, when they resolved that the "Senators should appoint a President of the Senate for the sole purpose of receiving, opening and counting the votes for President;" that the argument of Charles Pinckney, a distinguished member of the convention, made in the debates of 1800, in which he stated that "in the federal convention great care was taken to provide for the election of president independently of Congress; to take the business, as far as possible, out of their hands;" that the opinion of Henry Clay, expressed in subsequent debate, in which he declared that, unless the two houses

agreed upon a different method, "the President of the Senate would proceed to open and count the votes;" that the opinion of Chancellor Kent, which, for half a century, has remained unchallenged and unquestioned, in which "he held that, in the absence of legislative provision on the subject, the President of the Senate counts the votes and determines the result," combine to interpret the intent of the framers of the Constitution. Without going beyond its appropriate province, the Legislature of New York earnestly insists that no partisan efforts should be allowed to defeat or embarrass the orderly course of law which is so essential to the welfare and perpetuity of the republic.

*Resolved* (if the Assembly concur), That the lawful declaration of the result of the election of President, as determined by the vote of a majority of the electors on the sixth day of December last is binding upon all, and that in making such declaration and in upholding the Constitution and the laws, the national authorities are entitled to the support of every patriotic citizen.

*Resolved* (if the Assembly concur), That any threat to disregard the result of the presidential election, and its lawful declaration, is incendiary in spirit and revolutionary in character; that every attempt to inflame partisan feeling, and excite political passions, upon a question which has passed beyond the appropriate arena of partisan conflict, and remains only to be declared according to truth and law, calls for unqualified condemnation, and the united voice of the people must enforce, as the supreme obligation of the hour, the duty of prompt and unhesitating acceptance of the legal determination.

Amendment proposed by Mr. Jacobs:

*Resolved* (if the Assembly concur), That we approve the bill now before Congress providing for a determination of all questions relating to the electoral vote, as a wise, statesmanlike and patriotic measure, and we hereby request the Senators and Representatives from New York to support said bill.

Amendment proposed by Mr. Schoonmaker:

*Whereas*, A crisis of the gravest character has arisen in our national affairs, growing out of the recent presidential election and the constitutional and just mode of ascertaining and declaring the true result, involving wide diversity of public sentiment, and calling for the subordination of partisan purposes and personal aims to the exercise of patriotism and wise statesmanship; and,

*Whereas*, It is impossible to estimate the material loss the country daily sustains from the existing state of uncertainty, inasmuch as it directly and powerfully tends to unsettle and paralyze business, to weaken public and private credit, and to create apprehensions in the minds of the people that disturb the peaceful tenor of their ways and their pursuit of happiness, as well as to bring republican institutions into discredit, and to create doubts of the success of our form of government and of the perpetuity of the republic; and,

*Whereas*, Upon just principles of civil institutions, however important it may be deemed whether one citizen or another shall be the chief magistrate for a prescribed period, it is of far greater moment that the will of the people lawfully expressed in the choice of that officer shall be ascertained and carried into effect in a lawful way; and all considerations of interest, of patriotism and of justice unite in demanding of the law-making power of the nation a measure that will bring peace and

prosperity to the country, and show that our republican institutions are equal to any emergency; and,

*Whereas*, The joint committee of the two houses of Congress, charged with the great duty of preparing a constitutional and lawful mode of ascertaining and giving effect to the will of the people expressed by their votes, have, in a spirit of patriotism and statesmanship, worthy of the Fathers of the Republic, matured and reported a measure for that purpose, that promises a settlement of existing disputes that will be just, that will carry with it the sanction of law and command the acquiescence of all patriotic and law-abiding citizens;

*Resolved* (if the Assembly concur), That the plan proposed by the joint committee of the two houses of Congress for the peaceful and prompt settlement of the controverted questions relating to the last presidential election is approved by the Legislature of the State of New York, and is commended to the people as a measure honorable to all parties, and designed to secure by constitutional and lawful methods a just and unbiased determination to preserve the peace of the country, and to restore confidence and prosperity in business pursuits, and that the Senators and Representatives in Congress from the State of New York are respectfully requested to give to said measure their earnest support.

The President put the question whether the Senate would agree to said motion of Mr. Woodin, and it was decided in the affirmative.

Mr. Starbuck offered the following amendment to the original resolution, which was accepted by Mr. Jacobs in lieu of the one offered by him.

After "Constitution," in line 46 of original resolution, insert "but the President of the Senate is not vested with the power to determine the validity of, and count, any vote which is objected to by either house of Congress."

The President put the question whether the Senate would agree to the amendment of Mr. Starbuck, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Bradley	Jacobs	Loomis	Starbuck
Gerard	Kennaday	Morrissey	Wagstaff
Hammond	Lamont	Schoonmaker	11

#### FOR THE NEGATIVE.

Baaden	Doolittle	Moore	Selkreg
Carpenter	Emerson	Prince	Vedder
Cole	Harris	Robertson	Woodin
Coleman	McCarthy	Sayre	15

When the name of Mr. Bixby was called, he asked to be excused from voting, for the reason that he had paired with the Senator from the 16th (Mr. Tobey).

The President put the question whether the Senate would grant said request, and it was decided in the affirmative.

Mr. Jacobs moved that the further consideration of the resolutions be postponed for one week, to wit, until Wednesday, January thirty-first.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:



## FOR THE AFFIRMATIVE.

Bradley	Lamont	Morrissey	Starbuck
Hammond	Loomis	Schoonmaker	Wagstaff
Jacobs			

9

## FOR THE NEGATIVE.

Baaden	Emerson	Moore	Selkreg
Carpenter	Gerard	Prince	Vedder
Cole	Harris	Robertson	Wagner
Coleman	McCarthy	Sayre	Woodin
Doolittle			

17

When the name of Mr. Kennaday was called, he asked to be excused from voting, for the reason that he had paired with the Senator from the 31st (Mr. Sprague).

The President put the question whether the Senate would grant said request, and it was decided in the affirmative.

Mr. Starbuck offered the following as an amendment to the amendment (offered by Mr. Schoonmaker):

*Resolved* (if the Assembly concur), That the employment of the federal troops to set up or pull down the governments of sister States, or to determine who are entitled to occupy seats in their Legislatures, is in derogation of the rights of sovereign States; is a violation of the Constitution of the United States; is entirely at war with the genius of our institutions, and if acquiesced in by the people must inevitably result in a military despotism.

*Resolved* (if the Assembly concur), That the returning board for canvassing votes was the device of a government which was conceived in fraud, which was imposed upon the people of a sister State and is still sustained by federal troops, and which has been justly condemned by both houses of Congress as a mere usurpation; that no State Legislature has any authority, nor can the troops of the federal government confer upon a State Legislature any authority to invest a returning board, or any other board of canvassers by whatever name it may be called, with indefinite or arbitrary powers or with any authority which, by the principle and practice of our jurisprudence and the policy of our elective system, are not fairly incident to the function of ascertaining the vote of the people.

*Whereas*, The manner of counting the electoral votes of the several States for the office of President and Vice-President has always been directed by the joint direction of the two houses of Congress, and, beginning with the election in 1793, the two houses of Congress have uniformly appointed a joint committee "to ascertain and report a mode of examining the votes for President and Vice-President;" and,

*Whereas*, Tellers have been invariably designated by the two houses to act as their agents in counting the electoral votes at every presidential election; and,

*Whereas*, The houses of Congress have uniformly and exclusively exercised the right to object to the counting of electoral votes, and in the exercise of such right have, at different times, counted four votes only on condition that they would not affect the final result and excluded thirteen others altogether; and,

*Whereas*, No electoral vote has ever been counted without the concurring vote of both houses of Congress; and,

*Whereas*, No President of the Senate of the United States at any of the twenty-one presidential elections which have been held under the federal Constitution has ever objected to any teller named by either house of Congress, has ever offered a suggestion as to the mode of conducting the count of the electoral vote unless under instructions from the two houses, has ever presumed to disobey the instructions of the two houses, has ever presumed to question their supreme and exclusive authority to determine what votes should be counted and what should not be counted, has ever hesitated faithfully to declare their decisions; and,

*Whereas*, This interpretation of the constitutional prerogative of the two houses of Congress was deliberately approved and solemnly reasserted by Congress at the second election of President Lincoln in 1865, in what is known as the twenty-second joint rule, which provided, among other things, that "no question shall be decided affirmatively and no votes objected to shall be counted except by the concurrent votes of the two houses," and in accordance with the procedure prescribed in said rule, each of the last three presidential countings have been conducted; and,

*Whereas*, The power to determine the authenticity and validity of electoral votes, wherever vested by the Constitution, is necessarily an exclusive one, and cannot be diverted from its constitutional channel by legislation or otherwise; therefore,

*Resolved* (if the Assembly concur), That the Constitution of the United States has conferred no power upon the President of the Senate of the United States to determine the authenticity or validity of electoral votes.

*Resolved* (if the Assembly concur), That the two houses of Congress are vested by the Constitution with the exclusive authority to determine the authenticity and validity of electoral votes; that they have always exercised such authority from the foundation of our government; that such power has never been claimed or exercised by any other tribunal, and that any departure from a rule of interpretation, sanctioned by uniform usage at twenty-one successive elections, and by the approval of twenty-one successive federal Congresses, cannot be departed from in the present situation of the country, without bringing the parties to any such transactions, and their motives, under merited suspicion, without accusing every President of the Senate and every Congress of the United States which has participated in counting the electoral votes for President and Vice-President of violating the Constitution, of neglecting powers which did, or usurping powers which did not, belong to them.

Pending which,

Mr. Lamont moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Hammond	Loomis	Schoonmaker
Bradley	Kennaday	Morrissey	Starbuck
Gerard	Lamont		

10

#### FOR THE NEGATIVE.

Baaden	Emerson	Prince	Vedder
Cole	Harris	Robertson	Wagner
Coleman	McCarthy	Sayre	Woodin
Doolittle	Moore		

1

After debate,

Mr. Jacobs moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

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## THURSDAY, JANUARY 25, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Robertson presented a petition of the trustees of James Cunningham, deceased, praying for an amendment to chapter 428 of the Laws of 1868; which was read and referred to the committee on the judiciary.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to proceedings in the surrogate's court of the county of Erie, and to the powers and jurisdiction of the surrogate thereof," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act further to amend chapter 379 of the Laws of 1848, entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State,'" reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act further to amend chapter 379 of the Laws of 1848, entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State,' and to repeal section 7 of chapter 431 of the Laws of 1870, entitled 'An act further to amend chapter 379 of the Laws of 1876, entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State,'" and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to what are commonly called pools, and the registering of bets and wagers," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act in relation to bets, wagers and pools," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act for the relief of James R. Davies," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act for the relief of persons acting as clerks and assistant clerks of the district courts in the city of New York," and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend the act entitled 'An act to provide for the incorporation of villages,' passed December 7, 1847, so far as relates to the village of Corning, in the county of Steuben," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to further amend chapter 819 of the Laws of 1866, entitled 'An act to incorporate the village of New Brighton,'" reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Prince moved that said bill be recommitted to the committee on the affairs of villages.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. McCarthy from the committee on literature, to which was referred the bill entitled "An act to amend chapter 125 of the Laws of 1874, entitled 'An act to provide for the establishment of a system of graded schools in the village of Ithaca,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. McCarthy, from the committee on literature, to which was referred the bill entitled "An act to authorize the appointment of a librarian to take charge of the law library in the Fifth judicial district, located at Utica," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The President presented the report of the comptroller of the city of New York, in response to a resolution of the Senate, relative to the real estate belonging to the city of New York; which was laid upon the table and ordered printed.

(*See Doc. No. 28.*)

Mr. Coleman introduced a bill entitled "An act in relation to convict labor in the prisons and penitentiaries," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

Also, a bill entitled "An act to amend an act entitled 'An act amending and revising and consolidating the several acts in relation to the village of Greenbush, passed March 22, 1854, and April 29, 1863,' passed April 25, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Hammond introduced a bill entitled "An act authorizing the taxation of stockholders of life, fire and marine insurance companies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

Mr. Wagstaff introduced a bill entitled "An act to enable the Orphans' Home and Asylum of the Protestant Episcopal Church in New York to acquire and hold real and personal estate each to the amount of \$300,000," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

Mr. Baaden introduced a bill entitled "An act to amend chapter 742 of the Laws of 1871, entitled "An act in relation to storage and the keeping of combustible material in the city of New York, the use and control of the fire alarm telegraph, the incumbrance of hydrants, and other purposes connected with the prevention and extinguishment of fires therein, and imposing certain powers and duties upon the board of fire commissioners of said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The Assembly sent for concurrence the bill entitled as follows :

"An act to legalize and confirm the official acts of J. Marshall Guion, a justice of the peace in the town of Seneca Falls, in the county of Seneca, and to enable him to take and file his oath of office," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Sayre offered the following :

*Resolved* (if the Assembly concur), That there be printed for the use of the Legislature two thousand (2,000) copies of the recommendations and conclusions of the Commission appointed to take into consideration the subject of the sale or abandonment of the lateral canals.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Woodin moved that the Senate proceed to the consideration of the concurrent resolutions, and the proposed amendments thereto, in the words following :

*Whereas*, The annual message of his Excellency, the Governor, invites the attention of the Legislature to the questions growing out of the recent presidential election ; and,

*Whereas*, The Constitution of the United States provides that in the election of the President "each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress," which electors are to meet and cast the vote of the State, and certify and transmit the same to the seat of the government of the United States, directed to the President of the Senate ; therefore,

*Resolved* (if the Assembly concur), That this provision fixes the intent of the Constitution that the several States shall determine, each for itself, the mode of appointing the electors, and of lawfully establishing who are appointed ; and that the vote of the electors thus appointed and lawfully certified shall be received and counted as the vote of the State.

*Resolved* (if the Assembly concur), That a majority of the votes of the electors thus appointed by the several States, and meeting in their respective States in conformity with law on the sixth day of December last, determined the election of President and Vice-President of the United States, and that it only remains to make lawful declaration of the result so determined.

*Resolved* (if the Assembly concur), That every State in full and undisturbed relations with the Union is entitled to participate in the election of President, and that the lawfully certified votes of its electors, appointed in the manner directed by its Legislature and subject only to the constitutional conditions, represent and embody the expressed will of the State, in accordance with the principle enunciated by Daniel Webster, "that the will of the people must prevail when it is ascertained," and that the only mode of ascertaining that will is "by some regular rule of proceeding prescribed by previous law."

*Resolved* (if the Assembly concur), That the declaration of the result of the presidential election should be strictly governed by the principles of the Constitution, and by the established usage and practice under it ; that the action of the convention which framed the Constitution in organizing the new government thus created, when they resolved that "the Senators should appoint a President of the Senate for the sole purpose of receiving, opening and counting the votes for President ;"

that the argument of Charles Pinckney, a distinguished member of the convention, made in the debates of 1800, in which he stated that "in the federal convention great care was taken to provide for the election of President independently of Congress, to take the business, as far as possible, out of their hands;" that the opinion of Henry Clay, expressed in subsequent debate, in which he declared that, unless the two houses agreed upon a different method, "the President of the Senate would proceed to open and count the votes;" that the opinion of Chancellor Kent, which, for half a century, has remained unchallenged and unquestioned, in which he held that, "in the absence of legislative provision on the subject, the President of the Senate counts the votes and determines the result," combine to interpret the intent of the framers of the Constitution. Without going beyond its appropriate province, the Legislature of New York earnestly insists that no partisan effort should be allowed to defeat or embarrass the orderly course of law, which is so essential to the welfare and perpetuity of the Republic.

*Resolved* (if the Assembly concur), That the lawful declaration of the result of the election of President, as determined by the vote of a majority of the electors on the sixth day of December last, is binding upon all, and that in making such declaration and in upholding the Constitution and laws, the national authorities are entitled to the support of every patriotic citizen.

*Resolved* (if the Assembly concur), That any threat to disregard the result of the presidential election and its lawful declaration, is incendiary in spirit and revolutionary in character; that every attempt to inflame partisan feeling and excite political passions upon a question which has passed beyond the appropriate arena of partisan conflict and remains only to be declared according to truth and law, calls for unqualified condemnation; and that the united voice of the people must enforce, as the supreme obligation of the hour, the duty of prompt and unhesitating acceptance of the legal determination.

Amendment proposed by Mr. Schoonmaker:

*Whereas*, A crisis of the gravest character has arisen in our national affairs, growing out of the recent presidential election, and the constitutional and just mode of ascertaining and declaring the true result involving wide diversity of public sentiment, and calling for the subordination of partisan purposes and personal aims, to the exercise of patriotism and wise statesmanship; and,

*Whereas*, "It is impossible to estimate the material loss the country daily sustains from the existing state of uncertainty, inasmuch as it directly and powerfully tends to unsettle and paralyze business, to weaken public and private credit, and to create apprehensions in the minds of the people that disturb the peaceful tenor of their ways and their pursuit of happiness, as well as to bring republican institutions into discredit, and to create doubts of the success of our form of government, and of the perpetuity of the republic;" and,

*Whereas*, "Upon just principles of civil institutions, however important it may be deemed whether one citizen or another shall be the chief magistrate for a prescribed period, it is of far greater moment that the will of the people, lawfully expressed in the choice of that officer, shall be ascertained and carried into effect in a lawful way; and all considerations of interest, of patriotism and of justice unite in demanding of the law making power of the nation a measure that will bring peace and

prosperity to the country, and show that our republican institutions are equal to any emergency;" and,

*Whereas*, The joint committee of the two houses of Congress, charged with the great duty of preparing a constitutional and lawful mode of ascertaining and giving effect to the will of the people expressed by their votes, have, in a spirit of patriotism and statesmanship worthy of the Fathers of the Republic, matured and reported a measure for that purpose that promises a settlement of existing disputes, that will be just, that will carry with it the sanction of law, and command the acquiescence of all patriotic and law abiding citizens.

*Resolved* (if the Assembly concur), That the plan proposed by the joint committee of the two houses of Congress for the peaceful and prompt settlement of the controverted questions relating to the last presidential election, is approved by the Legislature of the State of New York, and is commended to the people as a measure honorable to all parties, and designed to secure, by constitutional and lawful methods, a just and unbiased determination, to preserve the peace of the country and to restore confidence and prosperity in business pursuits; and that the Senators and Representatives in Congress from the State of New York are respectfully requested to give to said measure their earnest support.

Amendment proposed by Mr. Starbuck:

*Resolved* (if the Assembly concur), That the employment of the federal troops to set up or pull down the governments of sister States, or to determine who are entitled to occupy seats in their Legislatures, is in derogation of the rights of sovereign States; is a violation of the Constitution of the United States; is entirely at war with the genius of our institutions, and if acquiesced in by the people must inevitably result in a military despotism.

*Resolved* (if the Assembly concur), That the returning board for canvassing votes was the device of a government which was conceived in fraud, which was imposed upon the people of a sister State and is still sustained by federal troops, and which has been justly condemned by both houses of Congress as a mere usurpation; that no State Legislature has any authority, nor can the troops of the federal government confer upon a State Legislature any authority to invest a returning board, or any other board of canvassers by whatever name it may be called, with indefinite or arbitrary powers or with any authority which, by the principle and practice of our jurisprudence and the policy of our elective system, are not fairly incident to the function of ascertaining the vote of the people.

*Whereas*, The manner of counting the electoral votes of the several States for the office of President and Vice-President has always been directed by the joint direction of the two houses of Congress, and, beginning with the election in 1793, the two houses of Congress have uniformly appointed a joint committee "to ascertain and report a mode of examining the votes for President and Vice-President;" and,

*Whereas*, Tellers have been invariably designated by the two houses to act as their agents in counting the electoral votes at every presidential election; and,

*Whereas*, The houses of Congress have uniformly and exclusively exercised the right to object to the counting of electoral votes, and in the exercise of such right have, at different times, counted four votes only on condition that they would not affect the final result and excluded thirteen others altogether; and,

*Whereas*, No electoral vote has ever been counted without the concurring vote of both houses of Congress; and,

*Whereas*, No President of the Senate of the United States at any of the twenty-one presidential elections which have been held under the federal Constitution has ever objected to any teller named by either house of Congress, has ever offered a suggestion as to the mode of conducting the count of the electoral vote unless under instructions from the two houses, has ever presumed to disobey the instructions of the two houses, has ever presumed to question their supreme and exclusive authority to determine what votes should be counted and what should not be counted, has ever hesitated faithfully to declare their decisions; and,

*Whereas*, This interpretation of the constitutional prerogative of the two houses of Congress was deliberately approved and solemnly reasserted by Congress at the second election of President Lincoln in 1865, in what is known as the twenty-second joint rule, which provided, among other things, that "no question shall be decided affirmatively and no votes objected to shall be counted except by the concurrent votes of the two houses," and in accordance with the procedure prescribed in said rule, each of the last three presidential countings have been conducted; and,

*Whereas*, The power to determine the authenticity and validity of electoral votes, wherever vested by the Constitution, is necessarily an exclusive one, and cannot be diverted from its constitutional channel by legislation or otherwise; therefore,

*Resolved* (if the Assembly concur), That the Constitution of the United States has conferred no power upon the President of the Senate of the United States to determine the authenticity or validity of electoral votes.

*Resolved* (if the Assembly concur), That the two houses of Congress are vested by the Constitution with the exclusive authority to determine the authenticity and validity of electoral votes; that they have always exercised such authority from the foundation of our government; that such power has never been claimed or exercised by any other tribunal, and that any departure from a rule of interpretation, sanctioned by uniform usage at twenty-one successive elections, and by the approval of twenty-one successive federal Congresses, cannot be departed from in the present situation of the country, without bringing the parties to any such transactions, and their motives, under merited suspicion, without accusing every President of the Senate and every Congress of the United States which has participated in counting the electoral votes for President and Vice-President of violating the Constitution, of neglecting powers which did, or usurping powers which did not, belong to them.

The President put the question whether the Senate would agree to said motion of Mr. Woodin, and it was decided in the affirmative.

Mr. Jacobs called for a division of the question on the amendment offered by Mr. Starbuck.

The President stated the question to be upon that portion of said resolutions, in the words following:

*Resolved*, That the employment of the federal troops to set up or pull down the governments of sister States, or to determine who are entitled to occupy seats in their Legislatures, is in derogation of the rights of sovereign States; is a violation of the Constitution of the United States; is entirely at war with the genius of our institutions, and, if acquiesced in by the people, must inevitably result in a military despotism.



prosperity to the country, and show that our republican institutions are equal to any emergency;" and,

*Whereas*, The joint committee of the two houses of Congress, charged with the great duty of preparing a constitutional and lawful mode of ascertaining and giving effect to the will of the people expressed by their votes, have, in a spirit of patriotism and statesmanship worthy of the Fathers of the Republic, matured and reported a measure for that purpose that promises a settlement of existing disputes, that will be just, that will carry with it the sanction of law, and command the acquiescence of all patriotic and law abiding citizens.

*Resolved* (if the Assembly concur), That the plan proposed by the joint committee of the two houses of Congress for the peaceful and prompt settlement of the controverted questions relating to the last presidential election, is approved by the Legislature of the State of New York, and is commended to the people as a measure honorable to all parties, and designed to secure, by constitutional and lawful methods, a just and unbiased determination, to preserve the peace of the country and to restore confidence and prosperity in business pursuits; and that the Senators and Representatives in Congress from the State of New York are respectfully requested to give to said measure their earnest support.

Amendment proposed by Mr. Starbuck:

*Resolved* (if the Assembly concur), That the employment of the federal troops to set up or pull down the governments of sister States, or to determine who are entitled to occupy seats in their Legislatures, is in derogation of the rights of sovereign States; is a violation of the Constitution of the United States; is entirely at war with the genius of our institutions, and if acquiesced in by the people must inevitably result in a military despotism.

*Resolved* (if the Assembly concur), That the returning board for canvassing votes was the device of a government which was conceived in fraud, which was imposed upon the people of a sister State and is still sustained by federal troops, and which has been justly condemned by both houses of Congress as a mere usurpation; that no State Legislature has any authority, nor can the troops of the federal government confer upon a State Legislature any authority to invest a returning board, or any other board of canvassers by whatever name it may be called, with indefinite or arbitrary powers or with any authority which, by the principle and practice of our jurisprudence and the policy of our elective system, are not fairly incident to the function of ascertaining the vote of the people.

*Whereas*, The manner of counting the electoral votes of the several States for the office of President and Vice-President has always been directed by the joint direction of the two houses of Congress, and, beginning with the election in 1793, the two houses of Congress have uniformly appointed a joint committee "to ascertain and report a mode of examining the votes for President and Vice-President;" and,

*Whereas*, Tellers have been invariably designated by the two houses to act as their agents in counting the electoral votes at every presidential election; and,

*Whereas*, The houses of Congress have uniformly and exclusively exercised the right to object to the counting of electoral votes, and in the exercise of such right have, at different times, counted four votes only on condition that they would not affect the final result and excluded thirteen others altogether; and,

*Whereas*, No electoral vote has ever been counted without the concurring vote of both houses of Congress; and,

*Whereas*, No President of the Senate of the United States at any of the twenty-one presidential elections which have been held under the federal Constitution has ever objected to any teller named by either house of Congress, has ever offered a suggestion as to the mode of conducting the count of the electoral vote unless under instructions from the two houses, has ever presumed to disobey the instructions of the two houses, has ever presumed to question their supreme and exclusive authority to determine what votes should be counted and what should not be counted, has ever hesitated faithfully to declare their decisions; and,

*Whereas*, This interpretation of the constitutional prerogative of the two houses of Congress was deliberately approved and solemnly reasserted by Congress at the second election of President Lincoln in 1865, in what is known as the twenty-second joint rule, which provided, among other things, that "no question shall be decided affirmatively and no votes objected to shall be counted except by the concurrent votes of the two houses," and in accordance with the procedure prescribed in said rule, each of the last three presidential countings have been conducted; and,

*Whereas*, The power to determine the authenticity and validity of electoral votes, wherever vested by the Constitution, is necessarily an exclusive one, and cannot be diverted from its constitutional channel by legislation or otherwise; therefore,

*Resolved* (if the Assembly concur), That the Constitution of the United States has conferred no power upon the President of the Senate of the United States to determine the authenticity or validity of electoral votes.

*Resolved* (if the Assembly concur), That the two houses of Congress are vested by the Constitution with the exclusive authority to determine the authenticity and validity of electoral votes; that they have always exercised such authority from the foundation of our government; that such power has never been claimed or exercised by any other tribunal, and that any departure from a rule of interpretation, sanctioned by uniform usage at twenty-one successive elections, and by the approval of twenty-one successive federal Congresses, cannot be departed from in the present situation of the country, without bringing the parties to any such transactions, and their motives, under merited suspicion, without accusing every President of the Senate and every Congress of the United States which has participated in counting the electoral votes for President and Vice-President of violating the Constitution, of neglecting powers which did, or usurping powers which did not, belong to them.

The President put the question whether the Senate would agree to said motion of Mr. Woodin, and it was decided in the affirmative.

Mr. Jacobs called for a division of the question on the amendment offered by Mr. Starbuck.

The President stated the question to be upon that portion of said resolutions, in the words following:

*Resolved*, That the employment of the federal troops to set up or pull down the governments of sister States, or to determine who are entitled to occupy seats in their Legislatures, is in derogation of the rights of sovereign States; is a violation of the Constitution of the United States; is entirely at war with the genius of our institutions, and, if acquiesced in by the people, must inevitably result in a military despotism.

The President put the question whether the Senate would agree to said resolution, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Bradley	Jacobs	Morrissey	Starbuck	10
Gerard	Lamont	Schoonmaker	Wagstaff	
Hammond	Loomis			

## FOR THE NEGATIVE.

Baaden	Doolittle	Moore	Selkreg	16
Carpenter	Emerson	Prince	Vedder	
Cole	Harris	Robertson	Wagner	
Coleman	McCarthy	Sayre	Woodin	

When the names of Mr. Bixby and Mr. Kennaday were called, they desired to be excused from voting, for the reason that they had paired with the Senators from the 16th (Mr. Tobey) and 31st (Mr. Sprague), respectively.

The President put the question whether the Senate would grant said request, and it was decided in the affirmative.

The President stated the question to be upon agreeing to that portion of the resolutions in the words following :

*Resolved*, That the returning board for canvassing votes was the device of a government which was conceived in fraud, which was imposed upon the people of a sister State, and is still sustained by federal troops, and which has been justly condemned by both houses of Congress as a mere usurpation ; that no State Legislature has any authority, nor can the troops of the federal government confer upon a State Legislature any authority to invest a returning board, or any other board of canvassers by whatever name it may be called, with indefinite or arbitrary powers, or with any authority which, by the principles and practice of our jurisprudence and the policy of our elective system, are not fairly incident to the function of ascertaining the vote of the people.

The President put the question whether the Senate would agree to said resolution, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Bradley	Jacobs	Morrissey	Starbuck	10
Gerard	Lamont	Schoonmaker	Wagstaff	
Hammond	Loomis			

## FOR THE NEGATIVE.

Baaden	Doolittle	Moore	Selkreg	16
Carpenter	Emerson	Prince	Vedder	
Cole	Harris	Robertson	Wagner	
Coleman	McCarthy	Sayre	Woodin	

The President then stated the question to be upon agreeing to that portion of the resolutions in the words following :

*Whereas*, The manner of counting the electoral votes of the several States for the offices of President and Vice-President has always been directed by the joint direction of the two houses of Congress ; and, beginning with the election in 1793, the two houses of Congress have uniformly appointed a joint committee "to ascertain and report a mode of examining the votes for President and Vice-President ;" and,

*Whereas*, Tellers have been invariably designated by the two houses to act as their agents in counting the electoral votes at every presidential election; and,

*Whereas*, The houses of Congress have uniformly and exclusively exercised the right to object to the counting of electoral votes, and in the exercise of such right have, at different times, counted four votes only on condition that they would not affect the final result, and excluded thirteen others altogether; and,

*Whereas*, No electoral vote has ever been counted without the concurring votes of both houses of Congress; and,

*Whereas*, No President of the Senate of the United States, at any of the twenty-one presidential elections which have been held under the federal Constitution, has ever objected to any teller named by either house of Congress, has ever offered a suggestion as to the mode of conducting the count of the electoral vote, unless under instruction from the two houses, has ever presumed to disobey the instructions of the two houses, has ever presumed to question their supreme and exclusive authority to determine what votes should be counted, and what should not be counted, has ever hesitated faithfully to declare their decisions; and,

*Whereas*, This interpretation of the constitutional prerogative of the two houses of Congress was deliberately approved and solemnly reasserted by Congress at the second election of President Lincoln in 1865, in what is known as the 22d joint rule, which provided among other things, that "no question shall be decided affirmatively, and no votes objected to shall be counted, except by the concurrent votes of the two houses," and in accordance with the procedure prescribed in said rule, each of the last three presidential countings have been conducted; and,

*Whereas*, The power to determine the authenticity and validity of electoral votes, wherever vested by the Constitution, is necessarily an exclusive one, and cannot be diverted from its constitutional channel by legislation or otherwise; therefore,

*Resolved*, That the Constitution of the United States has conferred no power upon the President of the Senate of the United States to determine the authenticity or validity of electoral votes.

*Resolved*, That the two houses of Congress are vested by the Constitution with the exclusive authority to determine the authenticity and validity of electoral votes; that they have always exercised such authority from the foundation of the government; that such power has never been claimed or exercised by any other tribunal, and that any departure from a rule of interpretation, sanctioned by uniform usage at twenty-one successive elections, and by the approval of twenty-one successive federal Congresses, cannot be departed from in the present situation of the country without bringing the parties to any such transactions and their motives under merited suspicion, without accusing every President of the Senate and every Congress of the United States which has participated in counting the electoral votes for President and Vice-President of violating the Constitution, of neglecting powers which did, or usurping powers which did not, belong to them.

The President put the question whether the Senate would agree to said resolutions, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bradley	Jacobs	Morrissey	Starbuck.
Gerard	Lamont	Schoonmaker	Wagstaff
Hammond	Loomis		

## FOR THE NEGATIVE.

Baaden	Doolittle	Moore	Selkreg	
Carpenter	Emerson	Prince	Vedder	
Cole	Harris	Robertson	Wagner	
Coleman	McCarthy	Sayre	Woodin	16

Mr. Harris moved that the amendment of Mr. Schoonmaker be amended so as to read as follows:

*Resolved* (if the Assembly concur), That the Legislature of New York, dismissing all partisan feeling and seeking only the establishment of the just result and the promotion of the common good, is gratified that the joint committee of the two houses of Congress have been able to agree upon a plan of ascertaining and counting the electoral vote in which, if adopted, all will acquiesce; and in the event of its adoption, we look to the tribunal thus created to determine the questions coming before it in strict accordance with constitutional principles.

Pending which,

Mr. Jacobs moved that the further consideration of the resolutions be postponed indefinitely.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Bradley	Jacobs	Morrissey	Starbuck	
Gerard	Lamont	Schoonmaker	Wagstaff	
Hammond	Loomis			10

## FOR THE NEGATIVE.

Baaden	Doolittle	Moore	Selkreg	
Carpenter	Emerson	Prince	Vedder	
Cole	Harris	Robertson	Woodin	
Coleman	McCarthy	Sayre		15

The President then put the question whether the Senate would agree to the amendment of Mr. Harris, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Bradley	Harris	Loomis	Starbuck	
Gerard	Jacobs	Morrissey	Wagstaff	
Hammond	Lamont	Schoonmaker		11

## FOR THE NEGATIVE.

Baaden	Doolittle	Prince	Selkreg	
Carpenter	Emerson	Robertson	Vedder	
Cole	McCarthy	Sayre	Woodin	
Coleman	Moore			14

When the name of Mr. Kennaday was called, he asked to be excused from voting, having paired with the Senator from the 31st (Mr. Sprague).

The President put the question whether the Senate would grant said request, and it was decided in the affirmative.

Mr. Woodin moved that said resolutions and amendment be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin presented the report of the State Assessors for the year 1876; which was laid upon the table and ordered printed.

(See Doc. No. 26.)

The President presented the report of the Superintendent of the Insurance Department, in response to a resolution of the Senate, relative to mortgages, etc., owned by Equitable Life Insurance Company; which was laid upon the table and ordered printed.

(See Doc. No. 25.)

Mr. Woodin offered the following:

*Resolved* (if the Assembly concur), That 5,000 extra copies of the report of the State Assessors be printed for distribution among the supervisors and assessors of the various towns, cities and villages of the State. Said copies shall be distributed by the Secretary of State, so that each supervisor and assessor aforesaid shall receive one copy of said report.

*Resolved* (if the Assembly concur), That 2,000 extra copies be printed for the use of the Legislature, and 1,000 extra copies for the use of the State Assessors.

*Ordered*, That said resolutions be referred to the committee on public printing.

Mr. Selkreg moved that the Senate do now go into executive session.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then went into executive session, and after some time spent therein the doors were opened, and the Senate resumed legislative business.

Mr. Harris offered the following:

*Resolved*, That the Senate of New York, dismissing all partisan feeling, and seeking only the establishment of just results, and the promotion of the common good, is gratified that the joint committee of the two houses of Congress have been able to agree upon a plan of ascertaining and counting the electoral vote, in which, if adopted, all will acquiesce; and, in the event of its adoption, we look to the tribunal thus created to determine the questions coming before it in strict accordance with constitutional principles.

*Ordered*, That said resolution be laid upon the table.

On motion of Mr. Wagstaff, the Senate adjourned.

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## FRIDAY, JANUARY 26, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Sayre presented a petition of the directors of the Black River and Morristown Railroad Company and others, for an act authorizing the Utica and Black River Railroad Company to collect four cents per mile passenger fare; which was read and referred to the committee on railroads.

Mr. Prince presented a petition of the trustees of the Seamen's Fund and Retreat of the city of New York, for an appropriation; which was read and referred to the committee on finance.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to provide for the election and defining the powers and duties of a police justice in the town of Watervliet, in the county of Albany," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize and confirm the official acts of J. Marshall Guion, a justice of the peace in the town of Seneca Falls, in the county of Seneca, and to enable him to take and file his oath of office," reported in favor of the passage of the same.

On motion of Mr. Hammond, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	Robertson
Bixby	Gerard	McCarthy	Sayre
Bradley	Hammond	Moore	Schoonmaker
Carpenter	Harris	Morrissey	Selkreg
Cole	Jacobs	Prince	Vedder
Coleman	Lamont		

22

On motion of Mr. Hammond, and by unanimous consent, the rules were suspended and the Clerk was ordered to return said bill to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same.

The President presented a supplemental report of the New Capitol Commissioners, relative to bids for completing the New Capitol building; which was laid upon the table and ordered printed.

(See Doc. No. 27.)

The Assembly sent for concurrence the bills entitled as follows:

"An act to amend an act entitled 'An act for the incorporation of villages,' passed April 20, 1870, so far as the same relates to the village of Brockport, in the county of Monroe," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act in relation to treasurers' fees and percentages in Monroe county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to incorporate the city of Binghamton,' passed April 9, 1867, and the acts amendatory of the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to establish the compensation of the county judge and the surrogate of Washington county, pursuant to the fifteenth section of the amended sixth article of the Constitution," which was read the first

time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Assembly returned the bill entitled "An act to extend the powers of county judges when holding courts in other counties than their own," with a message that they had concurred in the passage of the same, with the following amendment:

"Strike out section 1 of said bill and insert in lieu thereof the following:

"SECTION 1. Whenever and during the time any county judge shall be engaged in holding court in a county other than his own, he may exercise the powers and perform the duties of the county judge of such other county, which said last mentioned judge is by law authorized to exercise and perform, out of court or in vacation; provided, however, that nothing herein contained shall empower him to perform the duties of surrogate in such other county."

Mr. Robertson moved that the Senate non-concur in the amendment proposed by the Assembly; that a committee of conference be appointed thereon, and the Assembly be requested to appoint a like committee.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee, Messrs. Robertson, Bradley and Schoonmaker.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in their amendment, and request a committee of conference thereon.

Mr. Baaden introduced a bill entitled "An act to amend chapter 371 of the Laws of 1875, entitled 'An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers,' rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs, passed May 17, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Also, a bill entitled "An act to amend section 2, title 1, chapter 18 of part 1 of the Revised Statutes, relative to the taxation of land," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

Mr. Loomis introduced a bill entitled "An act to amend an act to facilitate the dissolution of manufacturing corporations in the county of Herkimer, and to secure the payment of their debts without preference, passed April 16, 1852," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

Mr. Sayre introduced a bill entitled "An act to authorize the Utica and Black River Railroad Company to charge and collect a uniform rate of fare for passengers on the roads operated by said company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Bixby introduced a bill entitled "An act to create a court in the city of New York, to be known as the 'City Court of New York,' and to abolish the Marine Court of said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.



Mr. Bixby moved that said bill be printed pending its consideration by the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Selkreg introduced a bill entitled "An act to regulate the sale of intoxicating liquors," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Harris introduced a bill entitled "An act to amend an act passed April 12, 1848, entitled 'An act to provide for the incorporation and regulation of telegraph companies,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Harris called from the table the resolution in the words following :

*Resolved*, That the Senate of New York, dismissing all partisan feeling and seeking only the establishment of just results and the promotion of the common good, is gratified that the joint committee of the two houses of Congress have been able to agree upon a plan of ascertaining and counting the electoral vote, in which, if adopted, all will acquiesce, and in the event of its adoption we look to the tribunal thus created to determine the questions coming before it in strict accordance with constitutional principles.

Mr. Woodin moved that the consideration of the resolution be deferred until Tuesday next.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Gerard	Loomis	Schoonmaker	
Bixby	Harris	McCarthy	Starbuck	
Bradley	Jacobs	Morrissey	Vedder	
Emerson	Lamont	Prince		15

#### FOR THE NEGATIVE.

Carpenter	Coleman	Robertson	Sayre	
Cole	Moore			6

Mr. Cole offered the following :

*Resolved* (if the Assembly concur), That the State Engineer and Surveyor be and he is hereby requested to make such investigation as may be necessary, to ascertain whether there are any known appliances for heating railroad cars without having fire carried in the cars, and to communicate to the Legislature, at his earliest convenience, all information which he may possess or acquire on the subject.

*Ordered*, That said resolution be laid upon the table.

By unanimous consent, Mr. Emerson asked and obtained leave to introduce a bill entitled "An act to authorize the treasurer of Monroe county to sell property for unpaid taxes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Harris moved that the bill entitled "An act in relation to the Superintendent of State Prisons," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Jacobs moved that when the Senate adjourns to-day, it adjourn to meet on Monday evening at 8 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bill entitled as follows:

"An act in relation to the Superintendent of State Prisons."

After some time spent therein, the President resumed the chair, and Mr. Cole, from said committee, reported progress on the said bill, but not having gone through therewith, and finding no quorum present, have instructed their chairman to report that fact to the Senate.

Mr. Jacobs moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

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## MONDAY, JANUARY 29, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of Friday, January 26, was read and approved.

Mr. Harris introduced a bill entitled "An act to amend chapter 144 of the Laws of 1872, entitled 'An act to amend the charter of the city of Albany, passed March 16, 1870, and the several acts amendatory thereof,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Sprague introduced a bill entitled "An act to amend the Revised Statutes relative to marriage and bigamy," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act relating to Gowanda Union Free School District composed of a part of the town of Collins, in Erie county, and parts of the towns of Persia and Perrysburgh, in Cattaraugus county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act extending to corporations located in and organized under the laws of other States, certain rights and powers now possessed by similar corporations of this State."

"An act to provide for the correction and equalization of taxes and assessments."

"An act in relation to the Superintendent of State Prisons."

After some time spent therein the President resumed the chair, and Mr. Moore, from said committee, reported in favor of the passage of the

first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Moore, from the same committee, reported progress on the second and last named bills, and asked and obtained leave to sit again.

Mr. Wellman moved that the further consideration of said last named bill be made a special order for to-morrow morning, immediately after reading the journal.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Assembly sent for concurrence the bills entitled as follows:

"An act to amend an act passed March 31, 1864, to amend an act entitled 'An act in relation to the Syracuse City Water-works Company,' passed April 5, 1849," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to regulate the execution and transfer of negotiable instruments given for patent rights," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Assembly returned the bill entitled "An act to extend the powers of county judges when holding courts in other counties than their own," with a message that they have agreed to a committee of conference thereon, and have appointed a committee on their part consisting of Messrs. Strahan, Hogeboom, Gilbert, Ruggles and Piper.

Mr. Bradley asked leave to be excused from serving as a member of the committee on insurance.

The President put the question whether the Senate would grant said request, and it was decided in the affirmative.

The President appointed Mr. Wagstaff a member of the committee on insurance, in place of Mr. Bradley, resigned.

On motion of Mr. Cole, the Senate adjourned.

## TUESDAY, JANUARY 30, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Robertson presented a petition of Charles Strong, chaplain of Sing Sing prison, for the repeal of the law exempting the property of clergymen from taxation to the amount of \$1,500; which was read and referred to the committee on finance.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows:

"An act in relation to the Superintendent of State Prisons."

After some time spent therein, the President resumed the chair, and Mr. Moore, from said committee, reported in favor of the passage of the said named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Prince, from the committee on commerce and navigation, to which was referred the bill entitled "An act further to amend chapter 320 of the Laws of 1872, entitled 'An act to amend an act in relation to the rates of wharfage, and to regulate piers, wharves, bulk-heads and slips, in the cities of New York and Brooklyn,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Prince, from the committee on commerce and navigation, to which was referred the bill entitled "An act to provide for the incorporation of exchanges or boards of trade," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act extending to corporations located in and organized under the laws of other States, certain rights and powers now possessed by similar corporations of this State."

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend section 73 of chapter 370 of the Laws of 1875, entitled 'An act to amend and consolidate the several acts relating to the city of Elmira,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the treasurer of Monroe county to sell property for unpaid taxes," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act for the punishment of defaulting executors, administrators, guardians and trustees," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Wagner, from the committee on public printing, to which was referred the resolution to print 2,000 copies of the recommendations and conclusions of the commission appointed to take into consideration the sale or abandonment of the lateral canals, reported in favor of the adoption of the following resolution:

*Resolved* (if the Assembly concur), That there be printed for the use of the Legislature, two thousand copies (2,000) of the recommendations and conclusions of the commission appointed to take into consideration the subject of the sale or abandonment of the lateral canals.

Mr. Starbuck moved to amend the report by inserting the word "report," and after the word "conclusions" the words "without the evidence."

The President put the question whether the Senate would agree to said amendment, and it was decided in the affirmative.

The President then put the question on agreeing to said report, as amended, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bixby	Kennaday	Prince	Starbuck
Bradley	Lamont	Robertson	Vedder
Cole	Loomis	Sayre	Wagner

Coleman	McCarthy	Schoonmaker	Wagstaff	
Doolittle	Moore	Selkreg	Wellman	
Hammond	Morrissey	Sprague	Woodin	24

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to change the corporate name of the Western New York Conference of the Methodist Episcopal Church," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to enable the Genesee Conference of the Methodist Episcopal Church to elect trustees of the Genesee Wesleyan Seminary," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act in regard to the powers of the associate rector of St. Luke's Memorial Church in the city of Utica," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to amend chapter 611 of the Laws of 1875, entitled 'An act to provide for the organization and regulation of certain business corporations,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to enable the Orphan's Home and Asylum of the Protestant Episcopal Church in New York to acquire and hold real and personal estate to the amount of \$300,000," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act authorizing the trustees of the First Methodist Church and the Young Men's Society of Jamesville, Onondaga county, to convey certain real estate," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to authorize the Utica Mechanics' Association to borrow money to pay its floating debt, and to issue bonds and execute a mortgage to secure the payment of the same," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act in relation to the Foundling Asylum of the Sisters of Charity in the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Doolittle, from the committee on manufactures, to which was referred the bill entitled "An act to regulate the quality, supply and price of illuminating gas in the State of New York, and for the protection of manufacturers and consumers thereof," reported in favor of the

passage of the same, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the bills entitled as follows :

"An act for the preservation of life at bathing places," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

"An act to authorize the extension of the time for the collection of taxes in the several towns of the State," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Loomis, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Said bill being announced for a third reading,

On motion of Mr. Moore, and by unanimous consent, said bill was amended as follows :

Insert in section 1, after the word "him," first occurring, the words "shall make his return to the treasurer of his county, as now required by law, of all unpaid taxes on lands of non-residents." Also, in same section, after the word "of," thirdly occurring, the words "all other;" and after the word "taxes," immediately following the words "of the year 1876."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Tobey
Bradley	Jacobs	Robertson	Vedder
Carpenter	Kennaday	Schoonmaker	Wagner
Cole	Lamont	Selkreg	Wagstaff
Coleman	Loomis	Sprague	Wellman
Doolittle	McCarthy	Starbuck	Woodin

24

#### FOR THE NEGATIVE.

Prince

1

On motion of Mr. Loomis, and by unanimous consent, the rules were suspended and the Clerk was ordered to return said bill to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly returned the following entitled bill, with a message informing that they had concurred in the passage of the same :

"An act authorizing the board of supervisors of the county of Albany to issue bonds to pay a portion of the bonds of said county that will mature during the year 1877."

*Ordered,* That the Clerk deliver said bill to the Governor.

Mr. Loomis introduced a bill entitled "An act to authorize the Utica and Ilion Narrow Gauge Railway Company to lay a track on the berme bank of the Erie canal, in Herkimer county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Kennaday introduced a bill entitled "An act to amend chapter 571 of the Laws of 1866, entitled 'An act to incorporate the Brooklyn Trust Company,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks

Mr. Gerard introduced a bill entitled "An act to release to certain charitable institutions the interest of the people of the State of New York in certain personal property formerly of James Kelly of the city of New York, deceased," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The bill entitled "An act extending to corporations located in and organized under the laws of other States, certain rights and powers now possessed by similar corporations of this State," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Kennaday	Prince	Vedder
Bradley	Lamont	Robertson	Wagner
Carpenter	Loomis	Schoonmaker	Wagstaff
Cole	McCarthy	Sprague	Wellman
Coleman	Moore	Starbuck	Woodin
Gerard			

21

*Ordered,* That the Clerk deliver said bill to the Assembly and request their concurrence therein.

On motion of Mr. Sprague, and by unanimous consent, the rules were suspended, and the committee of the whole was discharged from the further consideration of the bill entitled "An act to amend the charter of the Young Men's Association of the city of Buffalo."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	Morrissey	Starbuck
Bradley	Hammond	Prince	Vedder
Carpenter	Kennaday	Robertson	Wagner
Cole	Lamont	Schoonmaker	Wagstaff
Coleman	Loomis	Selkreg	Wellman
Doolittle	Moore	Sprague	Woodin

24

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Woodin moved to take from the table the concurrent resolutions and proposed amendments thereto, in the words following:

*Whereas,* The annual message of his excellency, the Governor, invites the attention of the Legislature to the questions growing out of the recent presidential election; and,

*Whereas,* The Constitution of the United States provides that in the election of the President each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress, which electors are to meet and cast the vote of the State, and certify and transmit the same to the seat of the government of the United States, directed to the President of the Senate; therefore

*Resolved* (if the Assembly concur), That this provision fixes the intent of the Constitution, that the several States shall determine each for itself the mode of appointing the electors and of lawfully establishing who are appointed; and that the vote of the electors thus appointed and lawfully certified shall be received and counted as the vote of the State.

*Resolved* (if the Assembly concur), That a majority of the votes of the electors thus appointed by the several States, and meeting in their respective States in conformity with law, on the sixth day of December last, determined the election of President and Vice-President of the United States, and that it only remains to make lawful declaration of the result so determined.

*Resolved* (if the Assembly concur), That every State in full and undisturbed relations with the Union is entitled to participate in the election of President, and that the lawfully certified votes of its electors appointed in the manner directed by its Legislature and subject only to the constitutional conditions, represent and embody the expressed will of the State in accordance with the principles enunciated by Daniel Webster, "that the will of the people must prevail when it is ascertained," and that the only mode of ascertaining that will is "by some regular rule of proceeding prescribed by previous law."

*Resolved* (if the Assembly concur), That the declaration of the result of the presidential election should be strictly governed by the principles of the Constitution and by the established usages and practices under it; that the action of the convention which framed the Constitution in organizing the new government thus created, when they resolved that the "Senators should appoint a President of the Senate for the sole purpose of receiving, opening and counting the votes for President;" that the argument of Charles Pinckney, a distinguished member of the convention, made in the debates of 1800, in which he stated that "in the federal convention great care was taken to provide for the election of president independently of Congress; to take the business, as far as possible, out of their hands;" that the opinion of Henry Clay, expressed in subsequent debate, in which he declared that, unless the two houses agreed upon a different method, "the President of the Senate would proceed to open and count the votes;" that the opinion of Chancellor Kent, which, for half a century, has remained unchallenged and unquestioned, in which "he held that, in the absence of legislative provision on the subject, the President of the Senate counts the votes and determines the result," combine to interpret the intent of the framers of the Constitution. Without going beyond its appropriate province, the Legislature of New York earnestly insists that no partisan efforts should be allowed to defeat or embarrass the orderly course of law which is so essential to the welfare and perpetuity of the republic.

*Resolved* (if the Assembly concur), That the lawful declaration of the result of the election of President, as determined by the vote of a majority of the electors on the sixth day of December last is binding upon all, and that in making such declaration and in upholding the Constitution and the laws, the national authorities are entitled to the support of every patriotic citizen.

*Resolved* (if the Assembly concur), That any threat to disregard the result of the presidential election, and its lawful declaration, is incendiary in spirit and revolutionary in character; that every attempt to inflame partisan feeling, and excite political passions, upon a question which has



passed beyond the appropriate arena of partisan conflict, and remains only to be declared according to truth and law, calls for unqualified condemnation, and the united voice of the people must enforce, as the supreme obligation of the hour, the duty of prompt and unhesitating acceptance of the legal determination.

Amendment proposed by Mr. Schoonmaker:

*Whereas*, A crisis of the gravest character has arisen in our national affairs, growing out of the recent presidential election and the constitutional and just mode of ascertaining and declaring the true result, involving wide diversity of public sentiment, and calling for the subordination of partisan purposes and personal aims to the exercise of patriotism and wise statesmanship; and,

*Whereas*, It is impossible to estimate the material loss the country daily sustains from the existing state of uncertainty, inasmuch as it directly and powerfully tends to unsettle and paralyze business, to weaken public and private credit, and to create apprehensions in the minds of the people that disturb the peaceful tenor of their ways and their pursuit of happiness, as well as to bring republican institutions into discredit, and to create doubts of the success of our form of government and of the perpetuity of the republic; and,

*Whereas*, Upon just principles of civil institutions, however important it may be deemed whether one citizen or another shall be the chief magistrate for a prescribed period, it is of far greater moment that the will of the people lawfully expressed in the choice of that officer shall be ascertained and carried into effect in a lawful way; and all considerations of interest, of patriotism and of justice unite in demanding of the law-making power of the nation a measure that will bring peace and prosperity to the country, and show that our republican institutions are equal to any emergency; and,

*Whereas*, The joint committee of the two houses of Congress, charged with the great duty of preparing a constitutional and lawful mode of ascertaining and giving effect to the will of the people expressed by their votes, have, in a spirit of patriotism and statesmanship, worthy of the Fathers of the Republic, matured and reported a measure for that purpose, that promises a settlement of existing disputes that will be just, that will carry with it the sanction of law and command the acquiescence of all patriotic and law-abiding citizens;

*Resolved* (if the Assembly concur), That the plan proposed by the joint committee of the two houses of Congress for the peaceful and prompt settlement of the controverted questions relating to the last presidential election is approved by the Legislature of the State of New York, and is commended to the people as a measure honorable to all parties, and designed to secure by constitutional and lawful methods a just and unbiased determination to preserve the peace of the country, and to restore confidence and prosperity in business pursuits, and that the Senators and Representatives in Congress from the State of New York are respectfully requested to give to said measure their earnest support.

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

Mr. Jacobs moved that the original resolution be amended so as to read as follows:

*Resolved*, That this Senate has confidence in the patriotism and wisdom of the board of arbitration, to be appointed under the provisions of the

electoral bill, and sincerely believes said board will so act as to command the unanimous approval of the country.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Bixby	Hammond	Lamont	Schoonmaker	
Bradley	Jacobs	Loomis	Starbuck	
Gerard	Kennaday	Morrissey	Wagstaff	12

FOR THE NEGATIVE.

Baaden	Emerson	Robertson	Vedder	
Carpenter	Harris	Sayre	Wagner	
Cole	McCarthy	Selkreg	Wellman	
Coleman	Moore	Sprague	Woodin	
Doolittle	Prince	Tobey		19

Mr. Jacobs called for a division of the question upon the amendment offered by Mr. Schoonmaker.

The President announced the question to be upon the preamble, in the words following :

*Whereas*, A crisis of the gravest character has arisen in our national affairs, growing out of the recent presidential election, and the constitutional and just mode of ascertaining and declaring the true result involving wide diversity of public sentiment, and calling for the subordination of partisan purposes and personal aims, to the exercise of patriotism and wise statesmanship ; and,

*Whereas*, "It is impossible to estimate the material loss the country daily sustains from the existing state of uncertainty, inasmuch as it directly and powerfully tends to unsettle and paralyze business, to weaken public and private credit, and to create apprehensions in the minds of the people that disturb the peaceful tenor of their ways and their pursuit of happiness, as well as to bring republican institutions into discredit, and to create doubts of the success of our form of government, and of the perpetuity of the republic ;" and,

*Whereas*, "Upon just principles of civil institutions, however important it may be deemed whether one citizen or another shall be the chief magistrate for a prescribed period, it is of far greater moment that the will of the people, lawfully expressed in the choice of that officer, shall be ascertained and carried into effect in a lawful way ; and all considerations of interest, of patriotism and of justice unite in demanding of the law making power of the nation a measure that will bring peace and prosperity to the country, and show that our republican institutions are equal to any emergency ;" and,

*Whereas*, The joint committee of the two houses of Congress, charged with the great duty of preparing a constitutional and lawful mode of ascertaining and giving effect to the will of the people expressed by their votes, have, in a spirit of patriotism and statesmanship worthy of the Fathers of the Republic, matured and reported a measure for that purpose that promises a settlement of existing disputes, that will be just, and will carry with it the sanction of law, and command the acquiescence of all patriotic and law abiding citizens.

The President put the question whether the Senate would agree to said preamble, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Lamont	Schoonmaker	
Bradley	Jacobs	Loomis	Starbuck	
Gerard	Kennaday	Morrissey	Wagstaff	12

## FOR THE NEGATIVE.

Baaden	Emerson	Robertson	Vedder	
Carpenter	Harris	Sayre	Wagner	
Cole	McCarthy	Selkreg	Wellman	
Coleman	Moore	Sprague	Woodin	
Doolittle	Prince	Tobey		19

The President then put the question upon the resolution contained in the amendment of Mr. Schoonmaker, in the words following:

*Resolved* (if the Assembly concur), That the plan proposed by the joint committee of the two houses of Congress for the peaceful and prompt settlement of the controverted questions relating to the last presidential election, is approved by the Legislature of the State of New York, and is commended to the people as a measure honorable to all parties, and designed to secure, by constitutional and lawful methods, a just and unbiased determination, to preserve the peace of the country and to restore confidence and prosperity in business pursuits; and that the Senators and Representatives in Congress from the State of New York are respectfully requested to give to said measure their earnest support.

Mr. Jacobs moved to amend by striking out the concluding words "and that the Senators and Representatives in Congress from the State of New York are respectfully requested to give to said measure their earnest support."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Lamont	Schoonmaker	
Bradley	Jacobs	Loomis	Starbuck	
Gerard	Kennaday	Morrissey	Wagstaff	12

## FOR THE NEGATIVE.

Baaden	Emerson	Robertson	Vedder	
Carpenter	Harris	Sayre	Wagner	
Cole	McCarthy	Selkreg	Wellman	
Coleman	Moore	Sprague	Woodin	
Doolittle	Prince	Tobey		19

Mr. Jacobs offered the following amendment to the original resolutions:

*Resolved* (if the Assembly concur), That nothing contained in these resolutions shall be considered as reflecting upon the justice of the recent decision of Congress, viz.: That in no event shall the President of the Senate count the electoral vote and declare the result; nor are they meant to indorse any system of State government, by which fraud in presidential elections is rendered possible.

The President put the question whether the Senate would agree to said amendment, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Lamont	Schoonmaker	
Bradley	Jacobs	Loomis	Starbuck	
Gerard	Kennaday	Morrissey	Wagstaff	12

## FOR THE NEGATIVE.

Baaden	Emerson	Robertson	Vedder	
Carpenter	Harris	Sayre	Wagner	
Cole	McCarthy	Selkreg	Wellman	
Coleman	Moore	Sprague	Woodin	
Doolittle	Prince	Tobey		19

Mr. Kennaday offered the following amendment:

Insert in line 46, third resolution, after the word "Constitution," as follows: to be as stated by his excellency the Governor, namely, "that the Constitution of the United States confers upon the President of the Senate no power to determine the authenticity and validity of an electoral vote, or to interfere in any wise with any such question," which conclusion is fortified by the statement of President Grant in his message accompanying his approval of the electoral bill, that "our whole history shows that in no instance of doubt or dispute has the President of the Senate exercised the power of deciding, and that the two houses of Congress have disposed of all such doubts and disputes."

The President put the question whether the Senate would agree to said amendment, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Lamont	Schoonmaker	
Bradley	Jacobs	Loomis	Starbuck	
Gerard	Kennaday	Morrissey	Wagstaff	12

## FOR THE NEGATIVE.

Baaden	Emerson	Robertson	Vedder	
Carpenter	Harris	Sayre	Wagner	
Cole	McCarthy	Selkreg	Wellman	
Coleman	Moore	Sprague	Woodin	
Doolittle	Prince	Tobey		19

When the name of Mr. Jacobs was called, he asked to be excused from voting.

The President put the question whether the Senate would grant said request, and it was decided in the negative.

Mr. Jacobs subsequently voted in the affirmative.

The President then announced the question to be upon the original resolutions offered by Mr. Woodin.

Mr. Gerard called for a division of the question.

The President announced the question to be upon the preamble of said resolutions, in the words following:

*Whereas*, The annual message of his Excellency, the Governor, invites the attention of the Legislature to the questions growing out of the recent presidential election; and,

*Whereas*, The Constitution of the United States provides that in the election of the President "each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress," which electors are to meet and cast the

vote of the State, and certify and transmit the same to the seat of the government of the United States, directed to the President of the Senate; therefore,

The President put the question whether the Senate would agree to said preamble, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Prince	Tobey
Bradley	Hammond	Robertson	Vedder
Carpenter	Harris	Sayre	Wagner
Cole	Lamont	Selkreg	Wagstaff
Coleman	Loomis	Sprague	Wellman
Doolittle	McCarthy	Starbuck	Woodin
Emerson	Moore		

26

## FOR THE NEGATIVE.

Bixby	Kennaday	Morrissey	Schoonmaker
Jacobs			

5

Mr. Starbuck moved to amend the first resolution, as follows:

Line 13, after the word "appointed," insert "—that such appointment, being required by the Constitution to be made by the several States, is vested in the States exclusively, and cannot lawfully be surrendered to, or exercised by any returning board or other person or tribunal."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Lamont	Starbuck
Bradley	Jacobs	Loomis	Wagstaff
Gerard	Kennaday	Schoonmaker	

11

## FOR THE NEGATIVE.

Baaden	Emerson	Sayre	Vedder
Carpenter	McCarthy	Selkreg	Wagner
Cole	Moore	Sprague	Wellman
Coleman	Prince	Tobey	Woodin
Doolittle	Robertson		

18

Mr. Gerard moved to amend the first resolution by striking out the word "thus," in line 14, and inserting the word "lawfully."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Bradley	Jacobs	Loomis	Starbuck
Gerard	Kennaday	Schoonmaker	Wagstaff
Hammond	Lamont		

10

## FOR THE NEGATIVE.

Baaden	Emerson	Robertson	Vedder
Carpenter	Harris	Selkreg	Wagner
Cole	McCarthy	Sprague	Wellman
Coleman	Moore	Tobey	Woodin
Doolittle	Prince		

18

Mr. Bradley moved to amend the first resolution, by inserting after the word "electors," line 13, the words "by the State."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Lamont	Starbuck	
Bradley	Jacobs	Loomis	Wagstaff	
Gerard	Kennaday	Schoonmaker		11

## FOR THE NEGATIVE.

Carpenter	Harris	Robertson	Tobey	
Cole	McCarthy	Sayre	Vedder	
Coleman	Moore	Selkreg	Wagner	
Doolittle	Prince	Sprague	Woodin	
Emerson				17

Mr. Gerard withdrew his demand for a division of the question.

Mr. Kennaday offered the following amendment to the third resolution :

Insert after "Constitution," in line 46, the words "to be that the President of the Senate is vested with the power to count the votes for President and Vice-President, and determine the result."

The President put the question whether the Senate would agree to said amendment, and it was decided in the negative, as follows :

## FOR THE NEGATIVE.

Baaden	Gerard	McCarthy	Starbuck	
Bixby	Hammond	Morrissey	Tobey	
Bradley	Harris	Prince	Vedder	
Carpenter	Jacobs	Robertson	Wagner	
Cole	Kennaday	Schoonmaker	Wagstaff	
Coleman	Lamont	Selkreg	Weillman	
Doolittle	Loomis	Sprague	Woodin	
Emerson				29

Mr. Starbuck moved to amend the fifth resolution as follows :

In line 57, after "declaration," strike out "is," and insert "and all attempts by the use of federal troops or otherwise, to defeat the expressed will of the people are."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Lamont	Schoonmaker	
Bradley	Jacobs	Loomis	Starbuck	
Gerard	Kennaday	Morrissey	Wagstaff	12

## FOR THE NEGATIVE.

Baaden	Emerson	Robertson	Vedder	
Carpenter	Harris	Sayre	Wagner	
Cole	McCarthy	Selkreg	Weillman	
Coleman	Moore	Sprague	Woodin	
Doolittle	Prince	Tobey		19

Mr. Starbuck moved to amend the last resolution as follows :

At the end of the sixth resolution add, "and that every attempt to force upon the people of these States a man for President, who not only has not received the votes of a majority of the lawfully appointed electors, but who has been rejected by more than 240,000 majority of the voters of the country, is not only thus incendiary in spirit and revolutionary in character, but is a crime against popular government, dangerous to the public peace."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Loomis	Starbuck	
Bradley	Lamont	Schoonmaker		7

## FOR THE NEGATIVE.

Baaden	Gerard	Morrissey	Tobey	
Carpenter	Harris	Prince	Vedder	
Cole	Jacobs	Robertson	Wagner	
Coleman	Kennaday	Sayre	Wellman	
Doolittle	McCarthy	Selkreg	Woodin	
Emerson	Moore	Sprague		23

When the name of Mr. Kennaday was called, he asked to be excused from voting.

The President put the question whether the Senate would grant said request, and it was decided in the negative.

Mr. Kennaday subsequently voted in the negative.

When the name of Mr. Loomis was called, he asked to be excused from voting.

The President put the question whether the Senate would grant said request, and it was decided in the negative.

Mr. Loomis subsequently voted in the affirmative.

The President then put the question upon the original resolutions, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Robertson	Vedder	
Carpenter	Harris	Sayre	Wagner	
Cole	McCarthy	Selkreg	Wellman	
Coleman	Moore	Sprague	Woodin	
Doolittle	Prince	Tobey		19

## FOR THE NEGATIVE.

Bixby	Hammond	Lamont	Schoonmaker	
Bradley	Jacobs	Loomis	Starbuck	
Gerard	Kennaday	Morrissey	Wagstaff	12

*Ordered*, That the Clerk deliver said resolutions to the Assembly, and request their concurrence therein.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows :

"An act to amend the charter of the Young Men's Association of the city of Buffalo."

"An act in relation to the Superintendent of State Prisons."

On motion of Mr. Wellman, and by unanimous consent, the rules were suspended, and said last named bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Harris	Prince	Tobey
Bradley	Kennaday	Robertson	Vedder
Carpenter	Lamont	Sayre	Wagner
Coleman	Loomis	Schoonmaker	Wagstaff
Doolittle	McCarthy	Selkreg	Wellman
Gerard	Moore	Sprague	Woodin
Hammond	Morrissey	Starbuck	

27

On motion of Mr. Wellman, and by unanimous consent, the rules were suspended, and the Clerk was ordered to deliver said bill to the Assembly immediately, and request their concurrence therein.

Mr. Woodin moved to reconsider the vote by which the resolution in the words following:

*"Resolved, That the Senate of New York, dismissing all partisan feeling, and seeking only the establishment of just results, and the promotion of the common good, is gratified that the joint committee of the two houses of Congress have been able to agree upon a plan of ascertaining and counting the electoral vote, in which, if adopted, all will acquiesce; and, in the event of its adoption, we look to the tribunal thus created to determine the questions coming before it in strict accordance with constitutional principles,"* was passed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question on the adoption of said resolution, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Hammond	Loomis	Starbuck
Bixby	Harris	McCarthy	Tobey
Bradley	Jacobs	Morrissey	Vedder
Emerson	Kennaday	Prince	Wagstaff
Gerard	Lamont	Sprague	

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## FOR THE NEGATIVE.

Carpenter	Doolittle	Sayre	Wellman
Cole	Moore	Selkreg	Woodin
Coleman	Robertson	Wagner	

11

On motion of Mr. Vedder, the Senate adjourned.

WEDNESDAY, JANUARY 31, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

[SENATE JOURNAL.]



Mr. Schoonmaker presented a petition of the commissioners of the alms-house of the city of Kingston, relative to alms-houses in said city; which was read and referred to the committee on the judiciary.

Also, a resolution of the common council of the city of Kingston upon the same subject; which was read and referred to the committee on the judiciary.

Mr. Gerard presented two petitions of property holders on the eastern boulevard in the city of New York, for relief; which was read and referred to the committee on the affairs of cities.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the trustees under the will of James Cunningham to convey to the city of Brooklyn certain lands and hereditaments at the foot of Noble street, in said city," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act for the preservation of the public peace, the protection of private parks, and the maintenance of law and good order in the town of Greenburgh, in the county of Westchester," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act for the incorporation of villages,' passed April 20, 1870, so far as the same relates to the village of Brockport, in the county of Monroe," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate societies for the improvement of poultry, small birds, domestic animals and fish culture,'" reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 288 of the Laws of 1874, entitled 'An act to incorporate societies for the improvement of poultry, small birds, domestic animals and fish culture,'" and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act to amend the Revised Statutes, relating to the assessment and collection of taxes," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act to amend section 2, title 1, chapter 18 of part 1 of the Revised Statutes, relative to the taxation of lands," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act relative to the taxation of land," and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act making appropriation for the expenses and compensation of certain commissioners and their employes, appointed under chapter 382 of the Laws of 1876," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The President presented a communication and bill from the Commis-

sioners to revise the statutes, relative to a new revision of the statutes; which was read and referred to the committee on the judiciary.

Also, the annual report of the Cooper Union for the Advancement of Science and Art, of the city of New York; which was laid upon the table and ordered printed.

(See Doc. No. 30.)

Also, the Report of the Trustees of the Wyoming Benevolent Institute; which was laid upon the table and ordered printed.

(See Doc. No. 29.)

The Assembly sent for concurrence the bills entitled as follows:

"An act entitled 'An act to amend section 3 of chapter 767 of the Laws of 1872, entitled An act to establish the compensation of county judges and surrogates, pursuant to the fifteenth section of the amended sixth article of the Constitution, passed May 17, 1872,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to facilitate the construction of narrow gauge railroads, and to amend chapter 560 of the Laws of 1871, entitled 'An act to amend an act entitled An act to authorize the formation of railroad corporations, and to regulate the same, passed April 2, 1850,' passed April 19, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

The Assembly returned the following entitled bills, with a message informing that they had concurred in the passage of the same:

"An act to amend chapter 613 of the Laws of 1875, entitled 'An act to authorize the formation of corporations for the safe-keeping and guaranteeing of personal property.'"

"An act to amend chapter 399 of the Laws of 1871, entitled 'An act to authorize the village of Corning, Steuben county, to borrow money to construct water-works for said village.'"

*Ordered,* That the Clerk deliver said bills to the Governor.

The Assembly returned the concurrent resolution for printing 2,000 copies of the report of the commission appointed to take into consideration the subject of the sale of the lateral canals, with a message that they had passed the same.

Mr. Bradley introduced a bill entitled "An act for the organization and government of the New York State Reformatory at Elmira, for the commitment of persons thereto, and their conditional and absolute release therefrom," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

Mr. Bradley moved that said bill be printed pending its consideration by the committee on State prisons.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bradley introduced a bill entitled "An act to amend chapter 440 of the Laws of 1873, entitled 'An act requiring commissioners of highways to act as inspectors of plank roads and turnpikes,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Emerson introduced a bill entitled "An act to amend chapter 143 of the Laws of 1861, entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861, and the various acts amendatory thereof, or relating to the city

of Rochester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Emerson moved that said bill be printed pending its consideration by the committee on the affairs of cities.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin introduced a bill entitled "An act relating to the office of the clerk of the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act relating to the coroners of the city and county of New York, their duties and compensation," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act in relation to the office of register of deeds in the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act relating to the office of the commissioner of jurors in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Woodin moved that the committee of the whole be discharged from the further consideration of the bill entitled "An act to provide for the correction and equalization of taxes and assessments," and that the same be committed to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Prince introduced a bill entitled "An act in relation to certain moneys belonging to the United States, deposited with the State of New York for safe-keeping, generally known as the United States Deposit Fund."

Mr. Prince moved that said bill be printed pending its consideration by the committee on finance.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Schoonmaker introduced a bill entitled "An act to enable the commissioners of the alms-house of the city of Kingston to borrow a sum not exceeding \$10,000, and to provide for the payment thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. McCarthy offered the following:

*Resolved* (if the Assembly concur), That the favorable condition of our foreign trade, the strong confidence and large sale of our bonds at their present low rate of interest, the large accumulation of gold and the low rate of premium which it has reached, with the moderate want of money for commercial, manufacturing, mechanical, agricultural and all other business interests of the country, warrant the Legislature of this State in recommending to Congress prompt action to secure speedy resumption of specie payments.

*Ordered*, That said resolution be laid upon the table.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders; and after some time

spent therein, the hour of twelve o'clock having arrived, the President resumed the chair, and announced that pursuant to law and agreeably to a joint resolution of the Senate and Assembly, the Senate would proceed to nominate two candidates for the office of Regent of the University, to fill the vacancies occasioned by the decease of George R. Perkins and James W. Booth.

The Senate thereupon proceeded to the nomination of a candidate in place of James W. Booth, deceased, when each Senator rose in his place and nominated as follows:

#### FOR CHAUNCEY M. DEPEW.

Baaden	Emerson	Robertson	Vedder
Carpenter	Harris	Sayre	Wagner
Cole	McCarthy	Selkreg	Wellman
Coleman	Moore	Sprague	Woodin
Doolittle	Prince	Tobey	19

#### FOR PARKE GODWIN.

Bixby	Hammond	Lamont	Schoonmaker
Bradley	Jacobs	Loomis	Wagstaff
Gerard	Kennaday	Morrissey	11

The Senate again proceeded to the nomination of a candidate in the place of George R. Perkins, deceased, when each Senator rose in his place and nominated as follows:

#### FOR CHARLES E. FITCH.

Baaden	Emerson	Robertson	Vedder
Carpenter	Harris	Sayre	Wagner
Cole	McCarthy	Selkreg	Wellman
Coleman	Moore	Sprague	Woodin
Doolittle	Prince	Tobey	19

#### FOR WILLIAM PURCELL.

Bixby	Hammond	Lamont	Schoonmaker
Bradley	Jacobs	Loomis	Wagstaff
Gerard	Kennaday	Morrissey	11

A quorum having voted, and a majority having named Chauncey M. Depew and Charles E. Fitch as their choice, the President announced that Chauncey M. Depew of New York, county of New York, had been duly nominated on the part of the Senate as a candidate for the office of Regent of the University, to fill the vacancy occasioned by the death of James W. Booth, and that Charles E. Fitch, of Rochester, county of Monroe, had been nominated to fill the vacancy occasioned by the death of George R. Perkins.

Mr. Emerson offered the following:

*Resolved*, That a committee of two be appointed to wait upon the Assembly and inform that body that the Senate have made nominations for the office of Regents of the University, and are prepared to meet the Assembly in joint convention to compare nominations.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The President announced as such committee, Messrs. Emerson and Morrissey.

By unanimous consent, Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the city of Binghamton,' passed April 9, 1867, and the acts amendatory of the same," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Selkreg, and by unanimous consent, the rules were suspended, and said bill was ordered to be considered in first committee of the whole.

Mr. Emerson, from the committee appointed to wait upon the Assembly, relative to the nomination of Regents of the University, reported that the committee had performed that duty.

Messrs. Hogeboom and Lyons, a committee from the Assembly, appeared in the Senate and announced that the Assembly had completed their nominations for Regents of the University, and were ready to meet the Senate in joint convention and compare nominations.

The President accordingly left the chair, and the Senate proceeded to the Assembly chamber, and on comparing nominations for the office of Regents of the University, they were found to agree on the names of Chauncey M. Depew and Charles E. Fitch.

Thereupon, the President announced that Chauncey M. Depew of New York, in the county of New York, was duly elected a Regent of the University, to fill the vacancy occasioned by the death of James W. Booth, and Charles E. Fitch of Rochester, in the county of Monroe, was duly elected a Regent of the University to fill the vacancy occasioned by the death of George R. Perkins.

The Senate having returned to the Senate chamber, the President announced the foregoing proceedings as having taken place.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend an act entitled 'An act to incorporate the city of Binghamton,' passed April 9, 1867, and the acts amendatory of the same."

"An act to amend chapter 426 of the Laws of 1868, entitled 'An act relative to the lands devised by Richard Ray, deceased,' passed April 28, 1868."

"An act in relation to the duties of assessors and commissioners of taxes."

After some time spent therein, the President resumed the chair, and Mr. Wagstaff, from said committee, reported in favor of the passage of the first named bill, which report was agreed to.

On motion of Mr. Selkreg, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Selkreg
Bradley	Hammond	Morrissey	Sprague
Carpenter	Harris	Prince	Vedder
Cole	Jacobs	Robertson	Wagstaff
Coleman	Kennaday	Sayre	Wellman

Doolittle  
EmersonLamont  
McCarthy

Schoonmaker

Woodin

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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Wagstaff, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Wagstaff, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Assembly sent for concurrence a resolution in the words following :

*Whereas,* There is now being expended about the sum of \$10,000 per week, in the dressing of stone for the new capitol building, according to the new modified plans adopted in June last ; and,

*Whereas,* It is uncertain whether this Legislature will approve such plans, or appropriate money under them ; and,

*Whereas,* The said money will be wasted and lost to the State should the building be continued according to the original specifications, after which the building has been thus far erected ; therefore,

*Resolved* (if the Senate concur), That the New Capitol Commissioners be instructed forthwith to suspend all work upon the exterior of said building, which is designed to carry out such new plans, until the determination of the Legislature shall be known as to whether said building shall be constructed according to such original designs, or according to the newest plans.

*Ordered,* That said resolution be laid upon the table.

Mr. Selkreg moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, on the bill entitled as follows :

"An act in relation to county treasurers."

After some time spent therein the President resumed the chair, and Mr. Sprague, from said committee, reported progress on the said named bill, and asked and obtained leave to sit again.

On motion of Mr. Bradley, and by unanimous consent, the committee of the whole was discharged from the further consideration of the bill entitled "An act to amend the act entitled 'An act to provide for the incorporation of villages,' passed December 7, 1847, and the several acts amendatory thereof, so far as relates to the village of Corning, in the county of Steuben," and the same was ordered to a third reading.

Mr. Robertson moved that the committee of the whole be discharged from the further consideration of the bills entitled as follows :

"An act to provide for the election and defining the powers and duties of a police justice in the town of Watervliet, in the county of Albany."

"An act further to amend chapter 379 of the Laws of 1848, entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State,' and to repeal section 7 of chapter 431 of the Laws of 1876, entitled 'An act further to amend chapter 379 of the Laws of 1876, entitled An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State,'" and that the same be recommitted to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Woodin, the Senate adjourned.

## THURSDAY, FEBRUARY 1, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Wagstaff presented a petition of property owners on the Eastern boulevard in the city of New York for relief; which was read and referred to the committee on affairs of cities.

Mr. Coleman presented a petition of citizens of Troy in favor of prohibiting the manufacture of shirts, collars and cuffs by convict labor; which was read and referred to the committee on State prisons.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend chapter 428 of the Laws of 1868, entitled 'An act relative to the lands devised by Richard Ray, deceased.'"

"An act to amend the act entitled 'An act to provide for the incorporation of villages, passed December 7, 1847,' and the several acts amendatory thereof, so far as relate to the village of Corning, in the county of Steuben."

Mr. Sayre, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend chapter 837 of the Laws of 1868, and chapter 623 of the Laws of 1869, in reference to the laying out, opening and continuing of Bushwick avenue, in the town of New Lots, Kings county,' passed May 21, 1873," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. McCarthy, from the committee on literature, to which was referred the bill entitled "An act to amend chapter 233 of the Laws of 1873, entitled 'An act to establish free schools in school district No. 4, in the town of Eastchester, Westchester county,' passed June 8, 1853," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. McCarthy from the committee on literature, to which was referred the bill entitled "An act relating to Gowanda Union Free School District, composed of a part of the town of Collins, in Erie county, and parts of the towns of Persia and Perrysburgh, in Cattaraugus county," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. McCarthy, from the committee on literature, to which was referred the bill entitled "An act to authorize the election of women to school offices," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. McCarthy, from the committee on literature, to which was referred the bill entitled "An act to amend section 9 of chapter 567 of the Laws of 1875, entitled 'An act to amend chapter 555 of the Laws of 1864, entitled An act to revise and consolidate the general acts relating to public instruction,' " reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 440 of the Laws of 1873, entitled 'An act requiring commissioners of highways to act as inspectors of plank-roads and turnpike roads,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to regulate the execution and transfer of negotiable instruments given for patent rights," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was recommitted the bill entitled "An act to provide for the election, and defining the powers and duties of a police justice in the town of Watervliet, in the county of Albany," reported in favor of the passage of the same, with the title amended so as to read "An act to provide for the better administration of justice in the town of Watervliet, in the county of Albany," and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the following resolutions:

*Resolved* (if the Senate concur), That 300 copies of the Report of the Trustees of the New York State Asylum for Idiots, be printed for the use of the trustees, provided the cost of printing the same does not exceed ten cents per page per 100 copies.

*Ordered*, That said resolution be referred to the committee on public printing.

*Resolved* (if the Senate concur), That there be printed for the use of the Legislature 250 copies of the financial report, and 250 copies of the expenditure report of the Auditor of the Canal Department, for the fiscal year ending September 30, 1876; and that 400 copies of the financial report, and 100 copies of the expenditure report, be printed for the use of the Auditor, provided the cost of printing the same does not exceed ten cents per page per 100 copies.

*Ordered*, That said resolution be referred to the committee on public printing.

*Resolved* (if the Senate concur), That 300 copies of the Report of the Managers of the Hudson River State Hospital for the Insane, be printed for the use of the managers of said hospital, provided, that the expense of printing the same does not exceed ten cents per page per 100 copies.

*Ordered*, That said resolution be referred to the committee on public printing.

*Resolved* (if the Senate concur), That 300 extra copies of the communication from the secretary of the Board of Regents, inclosing a report on the subject of strengthening the position and enlarging the influence of the colleges of the State, be printed for the use of the Regents of the University, provided the cost of printing the same does not exceed ten cents per page per 100 copies.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Loomis introduced a bill entitled "An act to restrain brokers and individual bankers from imposing upon the public, and to protect the public from unauthorized banking," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks



Mr. Emerson introduced a bill entitled "An act to provide for the purchase of a steam fire engine and a fire apparatus in the village of Brockport, and for the more effectual protection of said village against fire," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Emerson, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading and printed.

Mr. Schoonmaker introduced a bill entitled "An act to remove business disabilities from married women," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act in relation to the compensation of overseer of the poor, town clerk and commissioner of highways, in the town of Saugerties, Ulster county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Wagstaff introduced a bill entitled "An act to provide for the preservation of the peace and the protection of property in and about Fisher's Island and Gardiner's Island," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Tobey, from the committee on insurance, to which was referred the bill entitled "An act further to amend section 7, chapter 633, Laws of 1866, entitled 'An act in relation to the benevolent fund of the late volunteer fire department in the city of New York,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The Assembly returned the following entitled Assembly bill, with a message that they had concurred in the amendments of the Senate thereto.

"An act to authorize the extension of the time for the collection of taxes in the several towns of the State."

*Ordered*, That the Clerk return said bill to the Assembly.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same:

"An act to amend the charter of the Young Men's Association of the city of Buffalo."

*Ordered*, That the Clerk deliver said bill to the Governor.

The bill entitled "An act to amend the act entitled 'An act to provide for the incorporation of villages,' passed December 7, 1847, and the several acts amendatory thereof, so far as relates to the village of Corning, in the county of Steuben," having been announced for a third reading,

On motion of Mr. Bradley, and by unanimous consent, said bill was amended as follows:

Add at the end of section 4, "and those hereafter elected shall receive no compensation for their services as such trustees."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Harris	Morrissey	Sprague
Bradley	Jacobs	Prince	Starbuck

Carpenter	Kennaday	Robertson	Tobey
Cole	Lamont	St. John	Wagner
Coleman	Loomis	Sayre	Wagstaff
Doolittle	McCarthy	Schoonmaker	Wellman
Emerson	Moore	Selkreg	Woodin
Hammond			

29

On motion of Mr. Bradley, and by unanimous consent, the rules were suspended, and the Clerk was ordered to deliver said bill to the Assembly immediately, and request their concurrence therein.

The bill entitled "An act to amend chapter 426 of the Laws of 1868, entitled 'An act relative to the lands devised by Richard Ray, deceased,' " was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Moore	Sprague
Bradley	Harris	Morrissey	Starbuck
Carpenter	Jacobs	Robertson	Tobey
Cole	Kennaday	St. John	Wagner
Coleman	Lamont	Sayre	Wagstaff
Doolittle	Loomis	Schoonmaker	Wellman
Emerson	McCarthy	Selkreg	Woodin
Gerard			

29

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

Mr. McCarthy called from the table the concurrent resolution in the words following:

*Resolved* (if the Assembly concur), That the favorable condition of our foreign trade, the strong confidence and large sale of our bonds at their present low rate of interest, the large accumulation of gold and the low rate of premium which it has reached, with the moderate want of money for commercial, manufacturing, mechanical, agricultural and other business interests of the country, warrant the Legislature of this State in recommending to Congress prompt action to secure speedy resumption of specie payments.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

On motion of Mr. McCarthy, and by unanimous consent, the rules were suspended, and the Clerk was ordered to deliver said resolution to the Assembly immediately, and request their concurrence therein.

Mr. Harris called from the table the Assembly concurrent resolution in the words following:

*Whereas*, There is now being expended about the sum of \$10,000 per week in the dressing of stone for the New Capitol building, according to the modified plans adopted in June last; and,

*Whereas*, It is uncertain whether this Legislature will approve such plans, or appropriate money under them; and,

*Whereas*, The said money will be wasted and lost to the State should the building be continued according to the original designs after which the building has been thus far erected; therefore,

*Resolved* (if the Senate concur), That the New Capitol Commissioners be instructed forthwith to suspend all work upon the exterior of said building which is designed to carry out such new plans, until the determination of the Legislature shall be known as to whether said building shall be constructed according to such original designs, or according to the new plans.

Mr. Kennaday moved that said resolution be referred to the committee on finance.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Starbuck moved to amend the resolution so as to read :

*“Resolved* (if the Senate concur), That the New Capitol Commissioners be instructed forthwith to suspend all work upon the said building until the determination of the Legislature as to whether said building shall be constructed according to the new plans.”

Mr. Schoonmaker moved that the further consideration of the resolution be postponed until next Tuesday.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Bixby	Gerard	Lamont	Schoonmaker	
Bradley	Jacobs	Morrissey	Wagstaff	
Emerson	Kennaday	St. John		11

FOR THE NEGATIVE.

Carpenter	Harris	Sayre	Tobey	
Cole	McCarthy	Selkreg	Wagner	
Coleman	Moore	Sprague	Wellman	
Doolittle	Prince	Starbuck	Woodin	
Hammond	Robertson			18

The President then put the question whether the Senate would agree to said amendment, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Bixby	Jacobs	Selkreg	Starbuck	
Hammond				5

FOR THE NEGATIVE.

Bradley	Kennaday	Prince	Tobey	
Carpenter	Lamont	Robertson	Wagner	
Cole	Loomis	Sayre	Wagstaff	
Coleman	McCarthy	Schoonmaker	Wellman	
Gerard	Moore	Sprague	Woodin	
Harris	Morrissey			22

The President then put the question upon the original resolution, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bradley	Emerson	Prince	Sprague	
Carpenter	Hammond	Robertson	Tobey	
Cole	Harris	St. John	Wagner	
Coleman	McCarthy	Sayre	Wellman	
Doolittle	Moore	Selkreg	Woodin	20

## FOR THE NEGATIVE.

Baaden  
Bixby  
Gerard

Jacobs  
Kennaday  
Lamont

Loomis  
Morrissey  
Schoonmaker

Starbuck  
Wagstaff

11

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Morrissey offered the following :

*Resolved*, That the finance committee be requested to report, within ten days, whether the New Capitol building should be constructed according to existing plans, and if not, what modification should, in their judgment, be made.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Robertson moved that the Senate go into executive session to-day at quarter before two o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Tobey presented the petition of Stephen Moffitt, agent and warden of Clinton prison, relative to certain charges contained in the report of the commissioners to investigate the affairs of the State prisons; which was read and referred to the committee on State prisons.

Mr. Tobey offered the following :

*Resolved*, That the petition of Stephen Moffitt be referred to the committee on State prisons, and that such committee are instructed to investigate thoroughly the subject-matter of said petition with full power to send for persons and papers.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Cole called from the table the concurrent resolution in the words following :

*Resolved* (if the Assembly concur), That the State Engineer and Surveyor be and he is hereby requested to make such investigation as may be necessary to ascertain whether there are any known appliances for heating railroad cars without having fire carried in the cars, and to communicate to the Senate, at his earliest convenience, all information which he may possess or acquire on the subject.

Mr. Cole moved to amend the resolution by striking out the words "if the Assembly concur."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative.

Mr. Wellman offered the following :

*Resolved*, That Frank M. Hardenbrook be and he is hereby appointed as messenger of the committees on State prisons and miscellaneous corporations, for the remainder of this session, commencing February first, in place of Peter Haslam, resigned.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Bixby  
Carpenter

Gerard  
Hammond

Loomis  
Prince

Selkreg  
Sprague

Coleman	Jacobs	Robertson	Wagstaff	
Doolittle	Kennaday	St. John	Wellman	
Emerson	Lamont	Sayre	Woodin	20

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bill entitled as follows:

"An act in relation to the duties of assessors and commissioners of taxes."

After some time spent therein, the President resumed the chair, and Mr. St. John, from said committee, reported progress on the said named bill, and asked and obtained leave to sit again.

The Senate then went into executive session, and after some time spent therein the doors were opened, and,

On motion of Mr. Loomis, the Senate adjourned.

## FRIDAY, FEBRUARY 2, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Cole presented the petition of Mary Rolph, widow of Charles H. Rolph deceased, praying for release of the interest of the State of New York in certain lands in Orleans county; which was read and referred to the committee on the judiciary.

Mr. Kennaday presented a remonstrance of the common council of the city of Brooklyn against the bill entitled "An act to provide for the abatement of nuisances;" which was read and referred to the committee on public health.

Mr. Sayre, from the committee on roads and bridges, to which was referred the bill entitled "An act abandoning the Butternuts and Sherburne turnpike," reported in favor of the passage of the same, with the title amended so as to read "An act to discontinue the Butternuts and Sherburne turnpike," and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act passed March 31, 1864, to amend an act entitled 'An act in relation to the Syracuse City Water-works Company,' passed April 5, 1849," reported in favor of the passage of the same, with the title amended so as to read "An act to amend chapter 104 of the Laws of 1864, entitled 'An act to amend an act entitled An act in relation to the Syracuse City Water-works Company, passed April 5, 1849,'" and said bill was committed to the committee of the whole.

Mr. Doolittle introduced a bill entitled "An act to amend an act entitled 'An act to amend and make additions to chapter 463 of the Laws of 1860, entitled An act to revise the charter of the city of Oswego, and the acts amendatory thereof,' passed May 20, 1876," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

On motion of Mr. Doolittle, and by unanimous consent, said bill was ordered to be printed pending its consideration by the committee on affairs of cities.

Mr. Cole introduced a bill entitled "An act to release to Mary Rolph the right, title and interest of the people of the State of New York, in and to certain real estate in the town of Ridgeway, Orleans county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Bradley introduced a bill entitled "An act to amend chapter 559 of the Laws of 1864, entitled 'An act to amend the act entitled An act to provide for the incorporation of villages, passed December 7, 1847, so far as relates to the village of Corning, in the county of Steuben,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Hammond introduced a bill entitled "An act to empower the board of education of the educational district of Seneca Falls, to appoint an assessor for such district," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

Mr. Gerard introduced a bill entitled "An act to repeal chapter 628 of the Laws of 1871, entitled 'An act to alter the map or plan of the city of New York, by laying out a public place for a parade ground, and to authorize the taking of the same,' passed April 20, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Bixby introduced a bill entitled "An act to amend chapter 463 of the Laws of 1853, entitled 'An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

Mr. Jacobs moved that when the Senate adjourns to-day, it adjourn to meet on Monday evening at eight o'clock.

The President put the question whether the Senate would agree to said motion, and it was determined in the affirmative.

Mr. Sayre moved that the bill entitled "An act to authorize the Utica Mechanics' Association to borrow money to pay its floating debt, and to issue bonds and execute a mortgage to secure the payment of the same," be considered in first committee of the whole not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to authorize the city of Utica to borrow money for the purpose of erecting a police station-house and lock-up therein, and to make necessary repairs to the city hall building."

"An act in relation to corporations or joint stock companies of other States, territories or dominion of Canada."

"An act in relation to the organization of certain business corporations."

After some time spent therein, the President resumed the chair, and Mr. Wellman, from said committee, reported in favor of the passage of

the first and second named bills, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Wellman, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

By unanimous consent, Mr. Schoonmaker asked and obtained leave to introduce a bill entitled "An act to amend section 4, title 5, chapter 20, of the first part of the Revised Statutes, entitled 'Of disorderly persons,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Schoonmaker asked and obtained leave to introduce a bill entitled "An act in relation to evidence," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to authorize the Utica Mechanics' Association to borrow money to pay its floating debt, and to issue bonds and execute a mortgage to secure the payment of the same."

"An act in relation to the duties of assessors and commissioners of taxes."

"An act in relation to county treasurers."

After some time spent therein the President resumed the chair, and Mr. Selkreg, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Selkreg, from the same committee, reported progress on the second named bill, and asked leave to sit again.

Mr. Gerard moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be recommitted to the committee on finance.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Selkreg, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Robertson presented the following report:

The committee of conference, appointed by the Senate and Assembly, to which was referred the matter in difference between the two Houses, relative to the bill entitled "An act to extend the powers of county judges when holding courts in other counties than their own," having met and duly considered the same, have agreed to recommend that the amendment to said bill, as proposed by the Assembly, be so modified that the bill read as follows:

AN ACT to extend the powers of county judges while in counties other than their own for the purpose of holding courts therein.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. During the period that any county judge shall be in a county other than his own, for the purpose of holding court therein, he may exercise all the powers and perform all the duties of the county judge of such other county, which said last mentioned judge is by law authorized to exercise and perform out of current or in vacation; provided,

however, that nothing herein contained shall empower him to perform the duties of surrogate in such other county.

§ 2. This act shall take effect immediately.

W. H. ROBERTSON,  
GEO. B. BRADLEY,  
A. SCHOONMAKER, JR.,  
*Senate Committee.*

ROBERT H. STRAHAN,  
JNO. F. HOGEBOOM,  
J. I. GILBERT,  
W. B. RUGGLES,  
S. B. PIPER,  
*Assembly Committee.*

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	Moore	Selkreg
Bradley	Gerard	Prince	Sprague
Carpenter	Harris	Robertson	Starbuck
Cole	Jacobs	St. John	Wellman
Coleman	Kennaday	Sayre	Woodin
Doolittle	Loomis	Schoonmaker	

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference thereon.

By unanimous consent, Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to release to certain charitable institutions the interest of the people of the State of New York in certain personal property, formerly of James Kelly of the city of New York, deceased," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act, passed April 12, 1848, entitled 'An act to provide for the incorporation and regulation of telegraph companies,'" reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 559, of the Laws of 1855, entitled 'An act to amend an act, passed April 12, 1848, to provide for the incorporation and regulation of telegraph companies,'" and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to provide for the payment of bonds issued by municipal corporations under the provisions of chapter 907, Laws of 1869, and the acts amendatory thereof," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to extend the operation and effect of chapter 40 of the Laws of 1848, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical and chemical purposes,'" reported adversely thereto, which report was agreed to, and said bill rejected.



By unanimous consent, Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act providing for the recording of receipts and vouchers given by the county treasurer on account of infant heirs, imbecile or other funds, so far as the same relates to the county of Tompkins," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Robertson, from the committee on the judiciary, to which was referred the concurrent resolutions proposing an amendment to article 6 of the Constitution, relative to the Superior Court and Court of Common Pleas of the city of New York, reported in favor of the passage of the same, with amendments, so as to read as follows:

*Resolved* (if the Assembly concur), That article 6 of the Constitution be amended by adding thereto the following section:

§ 29: On the 1st day of January, 1879, the Court of Common Pleas for the city and county of New York, and the Superior Court of the city of New York, shall cease to exist, and all the jurisdiction of said courts shall vest in, and all the judges of said courts then in office shall become justices of the Supreme Court; and the judicial power in civil and criminal cases, and any judicial power as a county judge, and other special authority and jurisdiction now vested in any or either of the judges of either of said courts, shall vest in the justices of the Supreme Court for the first department, subject to such provision as may be made by law for the exercise thereof; and, thereupon, the judges so transferred shall hold their places for the remainder of the respective terms for which they shall have been chosen or appointed, and suits, actions, appeals, motions and proceedings then pending in the courts so abolished, shall be and become immediately transferred to the Supreme Court for the first department, without prejudice to any undertaking, bond, pleading, deposition, or other entry or proceeding previously had therein; and thereafter there shall be seventeen justices of the Supreme Court for the first department (which shall consist of the city and county of New York) chosen or appointed as provided by the Constitution of this State, and the salaries of all said justices, except five, shall be provided for and paid by the city of New York. The Legislature may, by law, provide for organizing an additional general term in the first department of the Supreme Court, to be composed of a presiding justice and not more than three other justices.

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that in conformity to section 1 of article 13 of the Constitution, it be published for three months previous to the time of such election.

Said resolutions were committed to the committee of the whole.

By unanimous consent, Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act authorizing the taxation of stockholders of life, fire and marine insurance companies," reported in favor of the passage of the same (Mr. Harris dissenting), and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Hammond, from the committee on internal affairs, to which was referred the bill entitled "An act in relation to the compensation of overseers of the poor, town clerk and commissioner of highways, in the town of Saugerties, Ulster county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The President presented the report of the comptroller of the city of New York, in response to the resolution of the Senate, relative to the bonded indebtedness of the city of New York; which was laid upon the table and ordered printed.

(See Doc. No. 31.)

Also, a resolution of the common council of the city of Brooklyn, relative to the bill for the abatement of nuisances by boards of health of incorporated cities; which was read and referred to the committee on public health.

Mr. Bradley called from the table the concurrent resolution in the words following:

*Resolved* (if the Assembly concur), That section 7 of article 6 of the Constitution, be amended by adding thereto the following: "But nothing herein shall be construed to deprive the Legislature of the power of providing by law for the holding of such courts by persons other than the justices thereof, whenever the public exigency may require."

Mr. Bradley moved that said resolution be referred to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to incorporate St. Raymond's Cemetery of Westchester, in the State of New York."

"An act to amend chapter 348 of the Laws of 1860, entitled 'An act to secure to creditors a just division of the estates of debtors who convey to assignees, for the benefit of creditors,' as amended by chapter 56 of the Laws of 1875."

"An act to amend chapter 379 of the Laws of 1860, entitled 'An act relating to actions, legal proceedings and claims against the mayor, aldermen and commonalty of the city of New York.'"

After some time spent therein, the President resumed the chair, and Mr. Harris, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Harris, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Harris, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Prince moved that the Senate do now go into executive session.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Whereupon, the Senate then went into executive session, and after some time spent therein the doors were opened, and

On motion of Mr. St. John, the Senate adjourned.

MONDAY, FEBRUARY 5, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of Friday, February 2, was read and approved.

Mr. Wellman presented a petition of 200 physicians, lawyers and others for the passage of the act for the organization and government of the New York State Reformatory at Elmira; which was read and referred to the committee on State prisons.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to incorporate St. Raymond's Cemetery of Westchester, in the State of New York."

"An act to amend chapter 348 of the Laws of 1860, entitled 'An act to secure to creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors,' as amended by chapter 56 of the Laws of 1875."

"An act to authorize the city of Utica to borrow money for the purpose of erecting a police station-house and lock-up therein, and to make necessary repairs to the city hall building."

"An act in relation to the organization of certain business corporations."

"An act in relation to corporations or joint stock companies of other States, territories or dominion of Canada."

"An act to authorize the Utica Mechanics' Association to borrow money to pay its floating debt, and to issue bonds and execute a mortgage to secure the payment of the same."

"An act to provide for the purchase of a steam fire engine and a fire apparatus in the village of Brockport, and for the more effectual protection of said village against fire."

Mr. Coleman introduced a bill entitled "An act to amend an act entitled 'An act for the relief of the Co-operative Iron Founders' Association of Troy,' passed April 23, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

Mr. Harris introduced a bill entitled "An act for the relief of the Stockbridge Indians," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on Indian affairs.

Mr. Woodin introduced a bill entitled "An act to amend chapter 49 of the Laws of 1876," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Schoonmaker introduced a bill entitled "An act to amend title 3 of article 10 of chapter 18 of part 1 of the Revised Statutes, entitled 'Of general powers, privileges and liabilities of corporations,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Bradley offered the following :

*Resolved* (if the Assembly concur), That 1,000 copies of the Annual Report of the Board of Managers of the State Reformatory at Elmira, be printed for the use of the managers of that institution.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Starbuck offered the following :

*Resolved*, That the Comptroller be requested to report to the Senate the amounts paid from the treasury annually, on account of the Geological Survey and Natural History of the State of New York, from the date of the report of the Secretary of State on that subject, in 1838, including all expenses incident to, or growing out of that undertaking; the acts under which such payments were made; the product of such expenditures, in books or other property; the amount received into the treasury in money for the sale of the same or any part thereof; the amount of books and other property resulting from such expenditures, now in possession of the State, and where situated; what work is now in progress, who are employed upon it, and what are their duties and compensations; copies of such contracts, if any, as are now in force for such work.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to amend chapter 379 of the Laws of 1860, entitled 'An act relating to actions, legal proceedings and claims against the mayor, aldermen and commonalty of the city of New York.'"

"An act to amend chapter 586 of the Laws of 1867, entitled 'An act to enable the board of supervisors of the county of New York to raise money by tax for the use of the corporation of the city of New York, and in relation to the expenditure thereof, and to provide for the auditing and payment of unsettled claims against said city, and in relation of actions at law against said corporation.'"

"An act to amend chapter 408 of the Laws of 1870, entitled 'An act relating to the Supreme Court, and to the election of a judge of the Court of Common Pleas in and for the city and county of New York.'"

After some time spent therein, the President resumed the chair, and Mr. Wellman, from said committee, reported progress on the first and second named bills, and asked and obtained leave to sit again.

Mr. Carpenter moved that said bills be considered in first committee of the whole after this evening.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Wellman, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to provide for the better administration of justice in the town of Watervliet, in the county of Albany."

"An act to enable the Orphan's Home and Asylum of the Protestant

Episcopal Church, in New York, to acquire and hold real and personal estate, each to the amount of \$300,000."

"An act in regard to the powers of the associate rector of St. Luke's Memorial Church, in the city of Utica, county of Oneida, and State of New York."

After some time spent therein, the President resumed the chair, and Mr. Tobey, from said committee, reported in favor of the passage of the said named bills, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

On motion of Mr. Emerson, and by unanimous consent, the rules were suspended, and the bill entitled "An act to provide for the purchase of a steam fire engine and a fire apparatus in the village of Brockport, and for the more effectual protection of said village against fire," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Emerson	Robertson	Starbuck
Bradley	Harris	St. John	Tobey
Carpenter	Jacobs	Sayre	Wagstaff
Cole	Lamont	Schoonmaker	Wellman
Coleman	Moore	Selkreg	Woodin
			20

On motion of Mr. Emerson, and by unanimous consent, the rules were suspended, and the Clerk was ordered to deliver said bill to the Assembly immediately, and request their concurrence therein.

By unanimous consent, Mr. Wagstaff asked and obtained leave to introduce a bill entitled "An act to amend chapter 32 of the Laws of 1835, entitled 'An act further to amend chapter 49 of the Laws of 1870, entitled An act to amend the act entitled An act in relation to preferred causes in the Supreme Court and Court of Appeals, passed April 5, 1860,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Wagstaff asked and obtained leave to introduce a bill entitled "An act authorizing the taxation of stockholders of banks and the surplus fund of savings banks," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

The Assembly returned the bill entitled "An act to amend the act entitled 'An act to provide for the incorporation of villages, passed December 7, 1847,' and the several acts amendatory thereof, so far as relates to the village of Corning, in the county of Steuben," with a message that they had concurred in the passage of the same, with the following amendments:

Section 4, line 4, before the word "eight," insert the words "such president and." Section 8, line 5, strike out the word "constitute" and insert the words "belong to." Section 11, line 6, strike out "Dorr" and insert "Dow."

The President put the question whether the Senate would agree to said amendments, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Harris	Robertson	Starbuck
Bradley	Jacobs	St. John	Tobey
Carpenter	Lamont	Sayre	Wagstaff
Cole	Loomis	Schoonmaker	Wellman
Coleman	Moore	Selkreg	Woodin
Emerson			

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly sent for concurrence the bills entitled as follows :

"An act to amend chapter 389 of the Laws of 1854, entitled 'An act to amend and consolidate the laws in relation to Amsterdam village, in Montgomery county,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to legalize the action of the village of Whitehall," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act making appropriations for the payment of the principal and the interest of the canal debt for the fiscal year commencing on the 1st day of October, 1877, and to provide for the payment of the principal and interest of the debt contracted under section 12 of article 7 of the Constitution," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

The Assembly returned the bill entitled as follows :

"An act to extend the powers of county judges while in counties other than their own for the purpose of holding courts therein.

*Ordered*, That the Clerk deliver said bill to the Governor.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to amend chapter 125 of the Laws of 1874, entitled 'An act to provide for the establishment of a system of graded schools in the village of Ithaca.' "

"An act in relation to the Foundling Asylum of the Sisters of Charity in the city of New York."

"An act for the punishment of defaulting executors, administrators, guardians and trustees."

After some time spent therein, the President resumed the chair, and Mr. Loomis, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Loomis, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Loomis, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

On motion of Mr. Emerson, and by unanimous consent, the Assembly bill entitled "An act to amend an act entitled 'An act for the incorporation of villages,' passed April 20, 1870, so far as the same relates to the village of Brockport, in the county of Monroe," was ordered considered in first committee of the whole not full.

On motion of Mr. Jacobs, the Senate adjourned.

TUESDAY, FEBRUARY 6, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Kennaday presented a memorial from the Mariners' Family Asylum, relating to an appropriation from the State; which was read and referred to the committee on finance.

Mr. Gerard presented a petition of property owners on the Eastern boulevard in the city of New York, for relief; which was read and referred to the committee on the affairs of cities.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to release to Mary Rolph the right, title and interest of the people of the State of New York in and to certain real estate in the town of Ridgeway, Orleans county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to establish the compensation of county judge and the surrogate of Washington county, pursuant to the fifteenth section of the amended sixth article of the Constitution," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to establish the salaries of the county judge and the surrogate of Washington county," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was recommended the bill entitled "An act further to amend chapter 379 of the Laws of 1848, entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State,' and to repeal section 7 of chapter 431 of the Laws of 1876, entitled 'An act further to amend chapter 379 of the Laws of 1876, entitled An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State,'" reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 431 of the Laws of 1876, entitled 'An act further to amend chapter 379 of the Laws of 1848, entitled An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State,'" and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend section 3 of chapter 767 of the Laws of 1872, entitled 'An act to establish the compensation of county judges and surrogates, pursuant to the fifteenth section of the amended sixth article of the Constitution,' passed May 17, 1872," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 767 of the Laws of 1872, entitled 'An act to establish the compensation of county judges and surrogates, pursuant to the fifteenth section of the amended sixth article of the Constitution,'" and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend chapter 125 of the Laws of 1874, entitled 'An act to provide for the establishment of a system of graded schools in the village of Ithaca.'"

"An act to amend chapter 408 of the Laws of 1870, entitled 'An act relating to the Supreme Court, and to the election of a judge of the Court of Common Pleas in and for the city and county of New York.'"

"An act in relation to the Foundling Asylum of the Sisters of Charity in the city of New York."

"An act in regard to the powers of the associate rector of St. Luke's Memorial church, in the city of Utica, county of Oneida and State of New York."

"An act to enable The Orphan's Home and Asylum of The Protestant Episcopal Church, in New York, to acquire and hold real and personal estate, each to the amount of \$300,000."

The Assembly sent for concurrence the bills entitled as follows:

"An act in relation to collectors and receivers of taxes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize a tax of one-third of a mill per dollar of valuation to provide for a deficiency in the sinking fund, under section 3 of article 7 of the Constitution," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to provide for the superintendent of the poor of the county of Otsego to be keeper of the poor-house of said county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to provide for the payment of the interest due on certain bonds of the county of Greene, known as the bonds to refund taxes to banks, by issuing new bonds," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend section 29 of article 3, chapter 6, title 6 of part 1 of the Revised Statutes, relating to the compensation of electors of President and Vice-President of the United States," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize the election of an additional justice of the peace in the town of Rossie, in the county of St. Lawrence," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to enable the town of Duaneburgh, Schenectady county, to issue bonds to pay debts incurred under the provisions of chapter 64, Laws of 1856, and chapter 401, Laws of 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to amend chapter 617 of the Laws of 1873, entitled 'An act regulating the deposit of securities by plate-glass insurance companies,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.



"An act to repeal section 2 of chapter 487 of the Laws of 1875, entitled 'An act to alter the commissioners' map of the city of Brooklyn, and for other purposes,' passed June 5, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act for the relief of James R. Davies, William P. Mitchell, Michael Cregan, Henry G. Leask, Terence Duffy, John E. McGowan, Robert G. McCord, Francis Mangin, Whitfield Van Cott and Bernard C. Ryan, as clerks and assistant clerks of the district courts in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to provide for the election of an additional justice of the peace and an additional constable in the town of Harmony, in the county of Chautauqua," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act establishing the salary of the deputy Comptroller and making appropriations for certain expenses of the government, and supplying deficiencies in former appropriations, for the fiscal year ending September 30, 1877," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

Mr. Woodin introduced a bill entitled "An act extending the time in which the Canandaigua, Palmyra and Ontario Railway Company shall expend ten per cent of its capital in the construction of its road, and in which to finish the same and put it in operation," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Coleman introduced a bill entitled "An act to amend an act in relation to the city of Troy, passed January 28, 1848, as amended by an act to amend an act entitled 'An act in relation to the city of Troy,' passed January 28, 1848, passed April 4, 1849," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Coleman introduced a bill entitled "An act to authorize the city of Troy to refund a portion of its bonded debt falling due in the fiscal years 1877 and 1878," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Coleman introduced a bill entitled "An act to amend an act entitled 'An act to amend an act, passed May 3, 1870, entitled An act to amend an act to incorporate the city of Troy, passed April 12, 1816, and the several acts amendatory thereto; and also to amend other acts relating to the city of Troy,' passed March 23, 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Prince introduced a bill entitled "An act making an appropriation for the improvement of the navigation of Freeport creek, in the town of Hempstead, county of Queens," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

Also, a bill entitled "An act to repeal chapter 74 of the Laws of 1866, entitled 'An act to create a metropolitan sanitary district and board of health therein, for the preservation of life and health and to prevent the spread of disease,' so far as relates to Queens county, and to provide for the appointment of boards of health in the several towns of Newtown,

Flushing and Jamaica, in said county, and defining their powers and duties," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

Also, a bill entitled "An act to amend the charter of the La Fayette Fire Insurance Company of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

Mr. Gerard introduced a bill entitled "An act to provide for stability of construction and security against conflagration, panic or other accident in theaters hereafter to be erected in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to provide for the sanitary inspection and supervision of common schools and school buildings in the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

Mr. Selkreg introduced a bill entitled "An act to reduce and equalize taxes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

Mr. Bradley introduced a bill entitled "An act to amend chapter 324 of the Laws of 1875, entitled 'An act further to amend chapter 692 of the Laws of 1866, entitled An act to amend an act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts, and for other purposes,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to amend chapter 856 of the Laws of 1869, entitled 'An act to amend an act entitled An act to suppress intemperance and to regulate the sale of intoxicating liquors, passed April 16, 1857,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Also, a bill entitled "An act to amend section 16 of title 3, of chapter 6 of part 1 of the Revised Statutes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The bill entitled "An act in relation to corporations or joint stock companies of other States, territories, or dominion of Canada," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bixby	Harris	Morrissey	Selkreg
Bradley	Jacobs	Prince	Starbuck
Carpenter	Kennaday	Robertson	Tobey
Cole	Loomis	St. John	Wagstaff
Emerson	McCarthy	Sayre	Wellman
Gerard	Moore	Schoonmaker	

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to the organization of certain business corporations," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate, voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Sayre
Bixby	Gerard	Prince	Tobey
Bradley	Kennaday	Robertson	Wagstaff
Carpenter	Loomis	St. John	Wellman
Coleman			

17

## FOR THE NEGATIVE.

Harris	Schoonmaker	Selkreg	Starbuck
McCarthy			

5

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the Utica Mechanics' Association to borrow money to pay its floating debt, and to issue bonds and execute a mortgage to secure the payment of the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Schoonmaker
Bixby	Gerard	Morrissey	Selkreg
Bradley	Harris	Prince	Starbuck
Carpenter	Kennaday	Robertson	Wagstaff
Cole	McCarthy	Sayre	Wellman
Coleman			

21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 348 of the Laws of 1860, entitled 'An act to secure to creditors a just division of the estates of debtors who convey to assignees, for the benefit of creditors,' as amended by chapter 56 of the Laws of 1875," having been announced for a third reading,

On motion of Mr. Schoonmaker, and by unanimous consent, said bill was amended by inserting the word "also" after the word "may," in line 45, printed bill. Also add at end of section 1, the words "from the date of such assignment."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Schoonmaker
Bixby	Gerard	Morrissey	Selkreg
Bradley	Harris	Prince	Starbuck
Carpenter	Kennaday	Robertson	Tobey
Cole	Lamont	Sayre	Woodin
Coleman	McCarthy		

22

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to the Foundling Asylum of the Sisters of Charity in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Schoonmaker
Bixby	Gerard	Morrissey	Starbuck
Bradley	Harris	Robertson	Tobey
Carpenter	Kennaday	St. John	Wellman
Coleman	McCarthy	Sayre	

19

## FOR THE NEGATIVE.

Woodin

1

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act to amend chapter 408 of the Laws of 1870, entitled 'An act relating to the Supreme Court, and to the election of a judge of the Court of Common Pleas in and for the city and county of New York,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Harris	Morrissey	Selkreg
Bixby	Kennaday	Robertson	Starbuck
Carpenter	Lamont	St. John	Tobey
Coleman	McCarthy	Sayre	Wellman
Gerard	Moore	Schoonmaker	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to enable the Orphan's Home and Asylum of The Protestant Episcopal Church, in New York, to acquire and hold real and personal estate, each to the amount of \$300,000," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Starbuck
Bixby	Jacobs	Robertson	Tobey
Carpenter	Kennaday	St. John	Wagstaff
Cole	Loomis	Sayre	Wellman
Coleman	McCarthy	Selkreg	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act in regard to the powers of the associate rector of St. Luke's Memorial church, in the city of Utica, county of Oneida and State of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Coleman	Moore	Starbuck	
Bixby	Gerard	Morrissey	Tobey	
Bradley	Lamont	St. John	Wagstaff	
Carpenter	Loomis	Sayre	Wellman	
Cole	McCarthy	Selkreg	Woodin	20

## FOR THE NEGATIVE.

Jacobs	Kennaday	Prince		3
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 125 of the Laws of 1874, entitled 'An act to provide for the establishment of a system of graded schools in the village of Ithaca,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Selkreg	
Bixby	Harris	Prince	Starbuck	
Bradley	Kennaday	Robertson	Tobey	
Carpenter	Lamont	St. John	Wagstaff	
Cole	Loomis	Sayre	Wellman	
Coleman	McCarthy	Schoonmaker	Woodin	
Emerson				25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Tobey, from the committee on insurance, to which was referred the bills entitled "An act to amend the charter of the City Fire Insurance Company of the city of New York;" "An act to amend the charter of the Star Insurance Company of the city of New York;" "An act enabling the stockholders of the Germania Fire Insurance Company of the city of New York, to reduce the number of its directors," reports that the committee have had the same under consideration, and have agreed to report a new bill entitled "An act in relation to the number of trustees or directors, and the time of annual meetings of insurance companies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee of the whole.

By unanimous consent, Mr. Tobey asked and obtained leave to introduce a bill entitled "An act to regulate the reinsurance of life insurance companies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

Mr. Harris offered the following:

*Resolved*, That the Clerk of the Senate be, and he is hereby, directed to purchase two copies of the Revised Statutes (Banks' 6th edition) for the Senate library.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Harris	Moore	Schoonmaker
Bradley	Jacobs	Prince	Starbuck
Carpenter	Kennaday	Robertson	Wagstaff
Cole	Lamont	St. John	Wellman
Coleman	Loomis	Sayre	Woodin
Emerson	McCarthy		

22

Mr. Schoonmaker offered the following:

*Resolved*, That so much of the message of his excellency, the Governor, as relates to the abuses and expenses arising from the number of new school books, and the frequent changes in their use, be referred to the committee on literature, with instructions to prepare and report a bill for the correction or restraint of the evils referred to, at as early a day as possible.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Schoonmaker
Bixby	Gerard	Moore	Selkreg
Bradley	Harris	Prince	Starbuck
Carpenter	Jacobs	Robertson	Wagstaff
Cole	Kennaday	St. John	Wellman
Coleman	Lamont	Sayre	

23

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend chapter 379 of the Laws of 1860, entitled 'An act relating to actions, legal proceedings and claims against the mayor, aldermen and commonalty of the city of New York.'"

"An act to amend chapter 586, of the Laws of 1867, entitled 'An act to enable the board of supervisors of the county of New York to raise money by tax for the use of the corporation of the city of New York, and in relation to the expenditure thereof, and to provide for the auditing and payment of unsettled claims against said city, and in relation of actions at law against said corporation.'"

Assembly, "An act to amend an act entitled 'An act for the incorporation of villages,' passed April 20, 1870, so far as the same relates to the village of Brockport in the county of Monroe.'"

After some time spent therein the President resumed the chair, and Mr. Schoonmaker, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Schoonmaker, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Schoonmaker, from the same committee, reported in favor of the passage of the last named bill, with the title amended by striking out the words "an act," second occurring, and inserting after the word "amend," the words "chapter 291 of the Laws of 1870," which report was agreed to, and the same ordered to a third reading.

On motion of Mr. Cole, the Senate adjourned.

## WEDNESDAY, FEBRUARY 7, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Bradley presented twenty-five petitions in favor of the bill substituting reformatory for time sentences, in cases of persons sentenced to the State Reformatory at Elmira; which were read and referred to the committee on State prisons.

Mr. Loomis presented a petition of 600 taxpayers of Herkimer county, for a reduction of salary of county judge and surrogate from \$3,000 to \$2,000 per year; which was read and referred to the committee on the judiciary.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 32 of the Laws of 1875, entitled 'An act further to amend chapter 49 of the Laws of 1870, entitled An act to amend the act entitled An act in relation to preferred causes in the Supreme Court and Court of Appeals, passed April 5, 1860,'" reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act further to amend chapter 167 of the Laws of 1860, entitled 'An act in relation to preferred causes in the Supreme Court and Court of Appeals,'" and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend title 3 of article 10 of chapter 18 of part 1 of the Revised Statutes, entitled 'Of the general powers, privileges and liabilities of corporations,'" reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend title 3 of chapter 18 of part 1 of the Revised Statutes, entitled 'Of the general powers, privileges and liabilities of corporations,'" and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend section 1 of chapter 638 of the Laws of 1867, entitled 'An act authorizing the New York Society for the Relief of the Ruptured and Crippled, to hold real and personal estate,'" reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 638 of the Laws of 1867, entitled 'An act authorizing the New York Society for the Relief of the Ruptured and Crippled, to hold real and personal estate,'" and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of James R. Davies, William P. Mitchell, Michael Cregan, Henry G. Leask, Terence Duffy, John E. McGowan, Robert G. McCord, Francis Mangin, Whitfield Van Cott and Bernard C. Ryan, as clerks and assistant clerks of the district courts in the city of New York," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act for the relief of certain persons claiming to have acted as clerks and

assistant clerks of the district courts in the city of New York," and said bill was committed to the committee of the whole.

Mr. Robertson moved to substitute said bill for Senate bill No. 32, G. O. 33, entitled "An act for the relief of certain persons claiming to have acted as clerks and assistant clerks of the district courts in the city of New York."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act in relation to certain moneys belonging to the United States, deposited with the State of New York for safe keeping, generally known as the United States Deposit Fund," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act to enable the town of Duanesburgh, Schenectady county, to issue bonds to pay debts incurred under the provisions of chapter 64, Laws of 1856, and chapter 401 of Laws of 1857," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris moved that the committee on finance be discharged from the further consideration of Assembly bill entitled "An act to authorize a tax of one-third of a mill per dollar of valuation, to provide for a deficiency in the sinking fund, under section 3 of article 7 of the Constitution," and that the same be referred to the committee on canals.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act relating to the coroners of the city and county of New York, their duties and compensation," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act relating to the office of the commissioner of jurors in the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act relating to the office of register of deeds in the city and county of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act relating to the office of the clerk of the city and county of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to provide for the better administration of justice in the town of Watervliet, in the county of Albany."

"An act to amend chapter 379 of the Laws of 1860, entitled 'An act relating to actions, legal proceedings and claims against the mayor, aldermen and commonalty of the city of New York.'"

"An act to amend chapter 586 of the Laws of 1867, entitled 'An act to enable the board of supervisors of the county of New York to raise money by tax for the use of the corporation of the city of New York,'"



and in relation to the expenditure thereof, and to provide for the auditing and payment of unsettled claims against said city, and in relation of actions at law against said corporation.”

Mr. Selkreg, from the committee on railroads, to which was referred the bill entitled “An act extending the time in which the Canandaigua, Palmyra and Ontario Railway Company shall expend ten per cent of its capital in the construction of its road, and in which to finish the same and put it in operation,” reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled “An act authorizing the board of trustees of the village of West Troy to contract for water for public purposes,” reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled “An act to amend chapter 389 of the Laws of 1854, entitled ‘An act to amend and consolidate the laws in relation to Amsterdam village, in Montgomery county,’” reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Wagner, from the committee on public printing, to which was referred the resolution to print extra copies of the Eighth Annual Report of the Trustees of the Willard Asylum, reported in favor of the adoption of the following resolution :

*Resolved* (if the Assembly concur), That 1,500 extra copies of the Eighth Annual Report of the Trustees of the Willard Asylum be printed for the use of the asylum.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Selkreg
Bradley	Gerard	McCarthy	Starbuck
Carpenter	Harris	Moore	Wagner
Cole	Jacobs	Morrissey	Wellman
Coleman	Kennaday	Prince	Woodin
Doolittle	Lamont	Robertson	

23

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Wagner, from the committee on public printing, to which was referred the resolution to print extra copies of the Eighth Annual Report of the New York State Blind Asylum at Batavia, reported in favor of the adoption of the following resolution :

*Resolved* (if the Assembly concur), That 1,000 copies of the Eighth Annual Report of the New York State Blind Asylum at Batavia, be printed for the use of the institute.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Sayre
Bixby	Gerard	McCarthy	Selkreg
Bradley	Harris	Moore	Starbuck
Carpenter	Jacobs	Morrissey	Wagner

Cole	Kennaday	Robertson	Wellman
Coleman	Lamont	St. John	Woodin
Doolittle			

25

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Wagner, from the committee on public printing, to which was referred the resolution to print extra copies of the Twenty-eighth Annual Report of the Managers of the Western House of Refuge for Juvenile Delinquents, reported in favor of the adoption of the following resolution :

*Resolved* (if the Assembly concur), That there be printed 2,000 copies of the Twenty-eighth Annual Report of the Managers of the Western House of Refuge for Juvenile Delinquents, for the use of the managers, the same to be furnished without accompanying lithographic plates.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Selkreg
Bixby	Gerard	Moore	Starbuck
Bradley	Harris	Robertson	Wagner
Cole	Kennaday	St. John	Wellman
Coleman	Lamont	Sayre	Woodin
Doolittle	Loomis		

22

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Wagner, from the committee on public printing, to which was referred the resolution to print extra copies of the Tenth Annual Report of the State Board of Charities, reported in favor of the adoption of the following resolution :

*Resolved* (if the Assembly concur), That 1,500 extra copies of the Tenth Annual Report of the State Board of Charities, be printed for the use of the Board ; 500 copies to be bound in muslin, and 1,000 in paper covers, to be furnished without accompanying lithographic plates.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Sayre
Bixby	Emerson	Morrissey	Selkreg
Bradley	Harris	Prince	Starbuck
Carpenter	Jacobs	Robertson	Wagner
Cole	Kennaday	St. John	Wellman
Coleman	Loomis		

22

*Ordered*, That the Clerk deliver said resolution to the Assembly and request their concurrence therein.

Mr. Wagner, from the committee on public printing, to which was referred the resolution to print extra copies of the Annual Report of the Board of Managers of the New York State Lunatic Asylum at Utica, reported in favor of the adoption of the following resolution :

*Resolved* (if the Assembly concur), That 3,000 copies of the Annual Report of the Board of Managers of the New York State Lunatic Asylum at Utica, be printed for the use of the Board, the same to be furnished without accompanying lithographic plates.

Asylum at Utica, be printed ; 2,000 copies for the use of the managers, and 1,000 copies for the Legislature.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Lamont	St. John
Bixby	Emerson	Loomis	Sayre
Bradley	Gerard	McCarthy	Starbuck
Carpenter	Harris	Moore	Wagner
Cole	Jacobs	Prince	Wagstaff
Coleman	Kennaday	Robertson	Wellman

24

*Ordered*, That the Clerk deliver said resolution to the Assembly and request their concurrence therein.

Mr. Baaden introduced a bill entitled "An act in relation to the repairing of streets in the city of New York, south of Fourteenth street, from the North to the East river," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The bill entitled "An act to amend chapter 586 of the Laws of 1867, entitled 'An act to enable the board of supervisors of the county of New York to raise money by tax for the use of the corporation of the city of New York, and in relation to the expenditure thereof, and to provide for the auditing and payment of unsettled claims against said city, and in relation of actions at law against said corporation,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Sayre
Bixby	Emerson	Moore	Selkreg
Bradley	Gerard	Morrissey	Wagner
Carpenter	Harris	Prince	Wellman
Cole	Jacobs	Robertson	Woodin
Coleman	Kennaday	St. John	

23

FOR THE NEGATIVE.

Starbuck

1

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act to amend chapter 379 of the Laws of 1860, entitled 'An act relating to actions, legal proceedings and claims against the mayor, aldermen and commonalty of the city of New York,'" having been announced for a third reading,

On motion of Mr. Carpenter, and by unanimous consent, said bill was amended as follows :

Strike out the words "this section," line 17, printed bill ; and after the word "but," in same line insert the words "sections one and two of this act." Strike out the words "If the plaintiff recover judgment in this action or in his special proceeding, he shall recover full taxable costs without regard to the amount of the judgment," at the end of sec-

tion 2, engrossed bill, and insert the same immediately after the words "payment therefor," in line 11, printed bill.

Strike out all of section 3. Change section 4 to section 3.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bradley	Emerson	Moore	Schoonmaker	
Carpenter	Jacobs	Prince	Starbuck	
Cole	Kennaday	Robertson	Wagner	
Coleman	Lamont	St. John	Wellman	
Doolittle	McCarthy	Sayre	Woodin	20

FOR THE NEGATIVE.

Baaden	Bixby	Gerard	Wagstaff	4
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*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act to provide for the better administration of justice in the town of Watervliet, in the county of Albany," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Selkreg	
Bixby	Emerson	Moore	Wagner	
Bradley	Harris	Robertson	Wagstaff	
Carpenter	Kennaday	St. John	Wellman	
Cole	Lamont	Sayre	Woodin	
Coleman	Loomis	Schoonmaker		23

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The Assembly bill entitled "An act to amend chapter 291 of the Laws of 1870, entitled 'An act for the incorporation of villages,' passed April 20, 1870, so far as the same relates to the village of Brockport, in the county of Monroe," having been announced for a third reading,

On motion of Mr. Emerson, and by unanimous consent, said bill was amended as follows:

Strike out all after the enacting clause and insert the following:

"Section 1. Subdivision 23 of title 3 of chapter 291 of the Laws of 1870, entitled 'An act for the incorporation of villages,' is hereby amended so as to read as follows:

"23. To regulate the use of candles, kerosene, or burning materials of any kind, or lights, or fires in barns and stables and other places liable to take fire, and to control the construction of buildings as to material, and prescribe the limits within which wooden buildings shall not be built, and prescribe the penalty, not exceeding \$1,000, for a violation of any ordinance passed, relating thereto.

"§ 2. This act shall take effect immediately."

Amend the title so as to read :

"An act to amend chapter 291 of the Laws of 1870, entitled 'An act for the incorporation of villages.'"

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Kennaday	Sayre
Cole	Emerson	Loomis	Wagstaff
Coleman			

9

FOR THE NEGATIVE.

Bradley	McCarthy	Robertson	Selkreg
Carpenter	Moore	St. John	Wagner
Lamont	Morrissey	Schoonmaker	Woodin

12

Mr. Emerson moved to reconsider the vote by which said bill was lost, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Emerson moved that said bill as amended be printed and placed on the files.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Robertson moved to reconsider the vote by which the resolution in the words following: "*Resolved*, That the Clerk of the Senate be, and he is hereby, directed to purchase two copies of the Revised Statutes (Banks' Sixth Edition), for the Senate Library." was passed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Robertson moved to amend said resolution as follows :

Strike out the words "two copies" and insert in lieu thereof the words "four copies."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Schoonmaker
Bixby	Gerard	Moore	Selkreg
Bradley	Harris	Morrissey	Wagner
Carpenter	Kennaday	Robertson	Wagstaff
Cole	Lamont	St. John	Wellman
Coleman	Loomis	Sayre	Woodin

24

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to authorize the building of an addition to the county jail at White Plains, in the county of Westchester, and the enlargement and improvement thereof, and to provide for the issuing of bonds for the purposes of paying the expenses thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to amend chapter 610 of the Laws of 1874, entitled 'An act to authorize the sale of lands for the non-payment of taxes, and for the collection of unpaid taxes in the several towns of the county of Westchester,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Robertson moved that the Senate do now go into executive session.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Whereupon the Senate went into executive session, and after some time spent therein, the doors were opened and the Senate resumed legislative business.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act authorizing the trustees of the First Methodist Church and the Young's Society of Jamesville, Onondaga county, to convey certain real estate."

"An act to amend chapter 611 of the Laws of 1875, entitled 'An act to provide for the organization and regulation of certain business corporations.'"

"An act for the punishment of defaulting executors, administrators, guardians and trustees."

After some time spent therein, the President resumed the chair, and Mr. Wellman, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Wellman, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Wellman, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Gerard moved that said bill, as amended, be reprinted.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to provide for the incorporation of exchanges or boards of trade."

"An act to authorize the trustees under the will of James Cunningham, to convey to the city of Brooklyn, certain lands and hereditaments at the foot of Noble street, in said city."

Assembly, "An act to amend section 73 of chapter 370 of the Laws of 1876, entitled 'An act to amend and consolidate the several acts relating to the city of Elmira.'"

After some time spent therein, the President resumed the chair, and Mr. McCarthy, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. McCarthy, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. McCarthy, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Schoonmaker moved that the committee on internal affairs be discharged from the further consideration of the Assembly bill entitled "An act to provide for the payment of the interest due on certain bonds of the county of Greene, known as the bonds to refund taxes to banks, by issuing new bonds," and that the same be committed to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

On motion of Mr. Cole, the Senate adjourned.

## THURSDAY, FEBRUARY 8, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Wagstaff presented a memorial of Ethan Allen and others, that women be permitted to serve on boards of education; which was read and referred to the committee of the whole.

Mr. Bradley presented ten petitions in favor of the bill substituting reformatory for time sentences, in cases of persons sentenced to the State Reformatory at Elmira; which were read and referred to the committee on State prisons.

Mr. Coleman presented a petition of citizens of Troy for an act prohibiting the manufacture of collars, cuffs and shirts in the State prisons; which was read and referred to the committee on State prisons.

Mr. Tobey, from the committee on insurance, to which was referred the bill entitled "An act to regulate the re-insurance of life insurance companies," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to regulate the re-insurance of the policy obligations of life insurance companies," and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act relative to persons holding office, or employed under the city government of New York," reported adversely thereto.

Mr. Gerard moved that the Senate disagree to said report, and that said motion be laid on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to provide for the incorporation of exchanges or boards of trade."

"An act authorizing the trustees of the First Methodist Church and the Young's Society of Jamesville, Onondaga county, to convey certain real estate."

"An act to authorize the trustees under the will of James Cunningham, to convey to the city of Brooklyn, certain lands and hereditaments at the foot of Noble street, in said city."

"An act to amend chapter 611 of the Laws of 1875, entitled 'An act to provide for the organization and regulation of certain business corporations.'"

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend chapter 144 of the Laws of 1872, entitled 'An act to amend the charter of the city of Albany, passed March 16, 1870, and the several acts amendatory thereof,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act in relation to the powers of corporations," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Selkreg introduced a bill entitled "An act to prevent fraud in the manufacture and sale of commercial fertilizers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

Mr. Woodin introduced a bill entitled "An act in relation to the attendants in courts of record in the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act relating to the Court of Special Sessions in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to determine and provide for the salaries of the judges of courts of record in the city and county of New York, which are a charge on the mayor, aldermen and commonalty of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act relating to the police courts in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Sprague introduced a bill entitled "An act to amend chapter 164 of the Laws of 1875, entitled 'An act for the relief of the grand-children of Samuel F. Pratt, late of the city of Buffalo,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Woodin introduced a bill entitled "An act relative to the District Courts in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act in relation to the clerks, assistant clerks and officers, other than attendants, in the courts of record of the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Harris introduced a bill entitled "An act to amend chapter 821 of the Laws of 1873, entitled 'An act to amend an act entitled An act to



amend an act for the benefit of married women, in insuring the lives of their husbands, passed April 14, 1858, passed April 18, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to incorporate the Coeymans Hollow Cemetery," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

Mr. Bixby introduced a bill entitled "An act to amend an act entitled 'An act to regulate investments by insurance companies,' passed May 24, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

The bill entitled "An act authorizing the trustees of the First Methodist Church and the Young's Society of Jamesville, Onondaga county, to convey certain real estate," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Sprague
Carpenter	Harris	Moore	Starbuck
Cole	Jacobs	Morrissey	Tobey
Coleman	Kennaday	Robertson	Wagstaff
Doolittle	Lamont	St. John	Woodin
Emerson	Loomis	Schoonmaker	23

*Ordered,* That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act to authorize the trustees under the will of James Cunningham, to convey to the city of Brooklyn, certain lands and hereditaments at the foot of Noble street, in said city," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Emerson	Morrissey	Sprague
Bradley	Gerard	Robertson	Starbuck
Carpenter	Harris	St. John	Tobey
Cole	Kennaday	Sayre	Wagstaff
Coleman	Loomis	Schoonmaker	Wellman
Doolittle	Moore	Selkreg	23

*Ordered,* That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act to amend chapter 611 of the Laws of 1875, entitled 'An act to provide for the organization and regulation of certain business corporations,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Harris	Morrissey	Selkreg
Bixby	Jacobs	Prince	Starbuck

Coleman	Kennaday	Robertson	Tobey
Doolittle	Loomis	St. John	Wagstaff
Emerson	McCarthy	Sayre	Wellman

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to provide for the incorporation of exchanges or boards of trade," having been announced for a third reading,

Mr. Prince moved that said bill be committed to the committee on the judiciary, retaining its place in the order of third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was determined in the affirmative.

The Assembly bill entitled "An act to amend section 73 of chapter 370 of the Laws of 1876, entitled 'An act to amend and consolidate the several acts relating to the city of Elmira,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Schoonmaker
Bixby	Harris	Prince	Sprague
Carpenter	Lamont	Robertson	Tobey
Coleman	Loomis	St. John	Wagstaff
Doolittle	McCarthy	Sayre	Wellman
Emerson	Moore		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing, that the Senate have concurred in the passage of the same.

The Assembly returned the bill entitled as follows :

"An act to amend the act entitled 'An act to provide for the incorporation of villages,' passed December 7, 1847, and the several acts amendatory thereof, so far as relates to the village of Corning, in the county of Steuben."

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same :

"An act to provide for the purchase of a steam fire engine and a fire apparatus in the village of Brockport, and for the more effectual protection of said village against fire."

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Cole moved that the bill entitled "An act to release to Mary Rolph the right, title and interest of the people of the State of New York in and to certain real estate in the town of Ridgeway, Orleans county," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Jacobs offered the following :

*Resolved* (if the Assembly concur), That section 6 of article 6 of the Constitution, be amended so that it shall read as follows :

"§ 6. There shall be the existing Supreme Court, with general jurisdiction in law and equity, subject to such appellate jurisdiction of the Court of Appeals as now is, or may be, prescribed by law ; and it sh<sup>al</sup>

be composed of the justices now in office, with two additional justices, to be elected as hereinafter provided, who shall be continued during their respective terms, and of their successors. The existing judicial districts of the State, are continued until changed pursuant to this section. Five of the justices shall reside in the district in which is the city of New York, and six in the second judicial district, and four in each of the other districts. The Legislature may alter the districts, without increasing the number, once after every enumeration, under this Constitution, of the inhabitants of the State.

*Resolved* (if the Assembly concur), That said amendment to said section 6, be referred to the Legislature, to be chosen at the next general election of Senators, and that pursuant to section 1 of article 13 of the Constitution, it be published for three months previous to the time of such election.

Mr. Jacobs moved that said resolution be referred to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Jacobs offered the following :

*Resolved*, That in all matters connected with the New Capitol, the finance committee shall have power to send for persons and papers.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Emerson moved to take from the table the motion to reconsider the vote by which the Assembly bill entitled "An act to amend chapter 291 of the Laws of 1870, entitled 'An act for the incorporation of villages,'" was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to reconsider the vote by which said bill was lost, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	Selkreg
Bixby	Harris	Morrissey	Sprague
Carpenter	Jacobs	Prince	Starbuck
Cole	Kennaday	Robertson	Wagstaff
Coleman	Lamont	St. John	Wellman
Doolittle	Loomis	Sayre	Woodin
Emerson			

25

#### FOR THE NEGATIVE.

Schoonmaker

1

On motion of Mr. Carpenter, and by unanimous consent, said bill was amended as follows :

Section 1, line 1, after the word "of," insert the words "section three of."

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Emerson	Prince	Sprague
Bixby	Gerard	Robertson	Tobey

Carpenter	Kennaday	St. John	Wagstaff
Cole	Lamont	Sayre	Wellman
Coleman	McCarthy	Selkreg	Woodin
Doolittle	Morrissey		

22

FOR THE NEGATIVE.

Schoonmaker	Starbuck	
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2

On motion of Mr. Emerson, and by unanimous consent, the rules were suspended, and the Clerk was ordered to return said bill to the Assembly immediately, with a message informing that the Senate had concurred in the passage of the same.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to release to Mary Rolph the right, title and interest of the people of the State of New York in and to certain real estate in the town of Ridgeway, Orleans county."

"An act to legalize and confirm the official acts of Oliver G. Steele, Howard H. Baker and Edward L. Stevenson as real estate commissioners of the Young Men's Association of the city of Buffalo."

Assembly, "An act to provide for the payment of the interest due on certain bonds of the county of Greene, known as the bonds to refund taxes to banks, by issuing new bonds."

After some time spent therein, the President resumed the chair, and Mr. Lamont, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Lamont, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to.

On motion of Mr. Schoonmaker, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Schoonmaker
Bixby	Emerson	Moore	Selkreg
Bradley	Gerard	Prince	Sprague
Carpenter	Jacobs	Robertson	Starbuck
Cole	Kennaday	St. John	Wagstaff
Coleman	Loomis	Sayre	Wellman

24

On motion of Mr. Schoonmaker, and by unanimous consent, the rules were suspended and the Clerk was ordered to return said bill to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same.

Mr. Wagstaff moved that the bill entitled "An act in relation to the number of trustees or directors, and the time of annual meeting of insurance companies," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, on the bills entitled as follows :

"An act in relation to the number of trustees or directors, and the time of annual meeting of insurance companies."

"An act in relation to proceedings in the surrogate's court of the county of Erie, and to the powers and jurisdiction of the surrogate thereof."

"An act to amend chapter 431 of the Laws of 1876, entitled 'An act further to amend chapter 379 of the Laws of 1848, entitled An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State.'"

After some time spent therein, the President resumed the chair, and Mr. Loomis, from said committee, reported progress on the first named bill, and have amended the title by inserting before the word "insurance," the words "fire and marine," and asked and obtained leave to sit again.

Mr. Wagstaff moved that said bill be recommitted to the committee on insurance, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Loomis, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Loomis, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to amend chapter 288 of the Laws of 1874, entitled 'An act to incorporate societies for the improvement of poultry, small birds, domestic animals and fish culture.'"

"An act to amend an act entitled 'An act amending chapter 837 of the Laws of 1868, and chapter 623 of the Laws of 1869, in reference to the laying out, opening and continuing of Bushwick avenue, in the town of New Lots, Kings county,' passed May 21, 1873."

Assembly, "An act making an appropriation for the expenses and compensation of certain commissioners and their employes appointed under chapter 382 of the Laws of 1876."

After some time spent therein the President resumed the chair, and Mr. Bradley, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Bradley, from the same committee, reported progress on the second named bill, and asked and obtained leave to sit again.

Mr. Bradley, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Prince moved that the Senate do now go into executive session.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then went into executive session, and after some time spent therein the doors were opened, and the Senate resumed legislative business.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend section 4, title 5, chapter 20, of the first part of the Revised Statutes, entitled 'Of disorderly persons,'"

reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act to authorize the sale of lands for the non-payment of taxes, and for the collection of unpaid taxes in the several towns of the county of Westchester,' passed June 6, 1874," reported in favor of the passage of the same, with the title amended so as to read "An act to amend chapter 610 of the Laws of 1874, entitled 'An act to authorize the sale of lands for the non-payment of taxes, and for the collection of unpaid taxes in the several towns of the county of Westchester,'" and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the building of an addition to the county jail at White Plains, in the county of Westchester, and the enlargement and improvement thereof, and to provide for the issuing of bonds for the purpose of paying the expenses thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Bixby, the Senate adjourned.

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## FRIDAY, FEBRUARY 9, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Bradley presented thirty petitions in favor of bill substituting reformatory for time sentences, in cases of persons sentenced to the State Reformatory at Elmira; which were read and referred to the committee on State prisons.

Mr. Cole presented a petition of citizens of Niagara county for the passage of a law reducing the salaries of county judge and surrogate of said county; which was read and referred to the committee on the judiciary.

Mr. Sayre presented a remonstrance of citizens of Utica against the construction of a narrow gauge railroad on the berme bank of the Erie canal; which was read and referred to the committee on canals.

Mr. Loomis presented a petition of 400 tax-payers of Herkimer county, for the reduction of the salary of the county judge of said county; which was read and referred to the committee on the judiciary.

The President presented resolutions of the Chamber of Commerce of the State of New York, in regard to bill fixing rate of interest; which were read and referred to the committee on finance.

Mr. Coleman, from the committee on banks, to which was referred the bill entitled "An act to amend chapter 371 of the Laws of 1875, entitled 'An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs,' passed May 17, 1875," reported in favor

of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend chapter 559 of the Laws of 1864, entitled 'An act to amend the act entitled An act to provide for the incorporation of villages, passed December 7, 1847, so far as relates to the village of Corning, in the county of Steuben,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Doolittle, from the committee on public printing, to which was referred the resolution to print 300 copies of the Report of the Managers of the Hudson River State Hospital for the Insane," reported in favor of the adoption of the following resolution:

*Resolved* (if the Senate concur), That 300 copies of the Report of the Managers of the Hudson River State Hospital for the Insane, be printed for the use of the managers of said hospital, provided, that the expense of printing the same does not exceed ten cents per page per 100 copies.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Baaden	Coleman	Kennaday	Robertson
Bixby	Doolittle	Loomis	Sayre
Bradley	Gerard	Moore	Starbuck
Carpenter	Harris	Morrissey	Wagner
Cole	Jacobs	Prince	19

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Doolittle, from the committee on public printing, to which was referred the resolution to print extra copies of the Auditor's report, reported in favor of the adoption of the following resolution:

*Resolved* (if the Senate concur), That there be printed for the use of the Legislature 250 copies of the financial report, and 250 copies of the expenditure report of the Auditor of the Canal Department, for the fiscal year ending September 30, 1876; and that 400 copies of the financial report, and 100 copies of the expenditure report, be printed for the use of the Auditor, provided the cost of printing the same does not exceed ten cents per page per 100 copies.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Baaden	Coleman	Moore	Sayre
Bixby	Doolittle	Morrissey	Schoonmaker
Bradley	Gerard	Prince	Sprague
Carpenter	Kennaday	Robertson	Starbuck
Cole	Loomis	St. John	Wagner
			20

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Doolittle, from the committee on public printing, to which was referred the resolution to print extra copies of the Report of the State Assessors, reported in favor of the adoption of the following resolution:

*Resolved* (if the Assembly concur), That 5,000 extra copies of the report of the State Assessors be printed for distribution among the supervisors and assessors of the various towns, cities and villages of the State. Said copies shall be distributed by the Secretary of State, so that each supervisor and assessor aforesaid shall receive one copy of said report.

*Resolved* (if the Assembly concur), That 2,000 extra copies be printed for the use of the Legislature, and 1,000 extra copies for the use of the State Assessors.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Sayre
Bradley	Harris	Morrissey	Sprague
Carpenter	Jacobs	Prince	Starbuck
Cole	Kennaday	Robertson	Wagner
Coleman	Loomis	St. John	Woodin

20

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to authorize the city of Troy to refund a portion of its bonded debt falling due in the fiscal years 1877 and 1878," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to amend an act to facilitate the dissolution of manufacturing corporations in the county of Herkimer, and to secure payments of their debts without preference, passed April 16, 1852," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to amend an act entitled 'An act for the relief of the Co-operative Iron Moulder's Association of Troy,' passed April 23, 1867," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Wellman, from the committee on State prisons, to which was referred the bill entitled "An act for the organization and government of the New York State Reformatory at Elmira, for the commitment of persons thereto, and their conditional and absolute release therefrom," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act in relation to the imprisonment of convicts in the New York State Reformatory at Elmira, and the government and release of such prisoners by the managers," and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to legalize and confirm the official acts of Oliver G. Steele, Howard H. Baker and Edward L. Stevenson as real estate commissioners of the Young Men's Association of the city of Buffalo."

"An act to release to Mary Rolph the right, title and interest of the people of the State of New York, in and to certain real estate in the town of Ridgeway, Orleans county."



"An act in relation to proceedings in the surrogate's court of the county of Erie, and to the powers and jurisdiction of the surrogate thereof."

"An act to amend chapter 288 of the Laws of 1874, entitled 'An act to incorporate societies for the improvement of poultry, small birds, domestic animals and fish culture.'"

"An act to amend chapter 431 of the Laws of 1876, entitled 'An act further to amend chapter 379 of the Laws of 1848, entitled An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State.'"

Mr. Loomis, from the committee on public printing, to which was referred the resolution to print 300 extra copies of the communication from the Secretary of the Board of Regents, reported in favor of the adoption of the following resolution:

*Resolved* (if the Senate concur), That 300 extra copies of the communication from the secretary of the Board of Regents, inclosing a report on the subject of strengthening the position and enlarging the influence of the colleges of the State, be printed for the use of the Regents of the University, provided the cost of printing the same does not exceed ten cents per page per 100 copies.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Schoonmaker
Bixby	Harris	Prince	Sprague
Bradley	Jacobs	Robertson	Starbuck
Carpenter	Kennaday	St. John	Wagner
Cole	Loomis	Sayre	Wellman
Doolittle	Moore		

22

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Loomis, from the committee on public printing, to which was referred the resolution to print 1,000 copies of the Annual Report of the Board of Managers of the State Reformatory at Elmira, reported in favor of the adoption of the following resolution:

*Resolved* (if the Assembly concur), That 1,000 copies of the Annual Report of the Board of Managers of the State Reformatory at Elmira, be printed for the use of the managers of that institution.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Morrissey	Selkreg
Bixby	Gerard	Prince	Sprague
Bradley	Jacobs	Robertson	Starbuck
Carpenter	Kennaday	St. John	Wagner
Cole	Loomis	Sayre	Wellman
Coleman	Moore	Schoonmaker	Woodin

24

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Loomis, from the committee on public printing, to which was referred the resolution to print 300 copies of the Report of the Trustees of

the New York State Asylum for Idiots, reported in favor of the adoption of the following resolution :

*Resolved* (if the Senate concur), That 300 copies of the Report of the Trustees of the New York State Asylum for Idiots, be printed for the use of the trustees, provided the cost of printing the same does not exceed ten cents per page per 100 copies.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Sprague
Bixby	Doolittle	Prince	Starbuck
Bradley	Kennaday	Robertson	Wagner
Carpenter	Loomis	St. John	Wellman
Cole	Moore	Schoonmaker	Woodin
Coleman			

21

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Coleman introduced a bill entitled "An act to amend chapter 30 of the Laws of 1876, entitled 'An act to amend chapter 520 of the Laws of 1870, entitled 'An act to establish and maintain a police force in the city of Troy, and to increase the powers and duties of the police commissioners of said city,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Prince introduced a bill entitled "An act to incorporate the Cathedral of St. John, in the diocese of Long Island," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

Mr. Gerard introduced a bill entitled "An act to amend chapter 358 of the Laws of 1868, entitled 'An act establishing a quarantine and defining the qualifications, duties and powers of the health officer for the harbor and port of New York,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

Mr. Sprague introduced a bill entitled "An act in relation to business corporations," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to confirm the proceedings taken by the common council of the city of Buffalo, to repair the mineral road in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to confirm the proceedings taken by the common council of the city of Buffalo, to pave Avenue A, in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to confirm the proceedings taken by the common council of the city of Buffalo, to repair Abbey street in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to confirm the proceedings taken by the common council of the city of Buffalo, to clean the sewer in Chicago street, in said city," which was read the first time, and by unanimous

sent was also read the second time, and referred to the committee on the judiciary.

Mr. Schoonmaker introduced a bill entitled "An act to authorize the city of Kingston to construct and maintain water-works, for amply supplying said city with water," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The bill entitled "An act to legalize and confirm the official acts of Oliver G. Steele, Howard H. Baker and Edward L. Stevenson, as real estate commissioners of the Young Men's Association of the city of Buffalo," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Harris	Prince	Selkreg
Bradley	Kennaday	Robertson	Sprague
Carpenter	Loomis	St. John	Starbuck
Coleman	McCarthy	Sayre	Wagner
Doolittle	Moore	Schoonmaker	Wellman
Gerard	Morrissey		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to proceedings in the surrogate's court of the county of Erie, and to the powers and jurisdiction of the surrogate thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Jacobs	Prince	Sprague
Bixby	Kennaday	Robertson	Starbuck
Carpenter	Loomis	St. John	Tobey
Coleman	McCarthy	Sayre	Wagner
Gerard	Moore	Schoonmaker	Wellman
Harris	Morrissey	Selkreg	

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to release to Mary Rolph the right, title and interest of the people of the State of New York, in and to certain real estate in the town of Ridgeway, Orleans county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Harris	Prince	Sprague
Bixby	Jacobs	Robertson	Starbuck
Carpenter	Kennaday	St. John	Tobey
Moore	McCarthy	Sayre	Wagner

Coleman	Moore	Schoonmaker	Wellman	24
Gerard	Morrissey	Selkreg	Woodin	

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 288 of the Laws of 1874, entitled 'An act to incorporate societies for the improvement of poultry, small birds, domestic animals and fish culture,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Jacobs	Robertson	Starbuck	28
Carpenter	Kennaday	St. John	Tobey	
Cole	McCarthy	Sayre	Wagner	
Coleman	Moore	Schoonmaker	Wellman	
Emerson	Morrissey	Selkreg	Woodin	
Gerard	Prince	Sprague		

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act to amend chapter 431 of the Laws of 1876, entitled 'An act further to amend chapter 379 of the Laws of 1848, entitled An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Schoonmaker	20
Carpenter	Harris	Moore	Selkreg	
Cole	Jacobs	Morrissey	Tobey	
Coleman	Kennaday	Robertson	Wagner	
Doolittle	Loomis	Sayre	Wellman	

## FOR THE NEGATIVE.

Prince	Sprague	Starbuck	Woodin	4
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On motion of Mr. Schoonmaker, and by unanimous consent, the rules were suspended, and the Clerk was ordered to deliver said bill to the Assembly immediately, and request their concurrence therein.

The Assembly bill entitled "An act making an appropriation for the expenses and compensation of certain commissioners and their employes appointed under chapter 382 of the Laws of 1876, was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baden	Gerard	Moore	Schoonmaker
Bixby	Harris	Morrissey	Sprague
Carpenter	Jacobs	Prince	Tobey

Cole  
Coleman  
Doolittle

Kennaday  
Loomis  
McCarthy

Robertson  
St. John  
Sayre

Wagner  
Wellman

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

Mr. Schoonmaker moved that the bill entitled "An act in relation to the compensation of overseer of the poor, town clerk and commissioner of highways in the town of Saugerties, Ulster county," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 324 of the Laws of 1875, entitled 'An act further to amend chapter 692 of the Laws of 1866, entitled An act to amend an act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts, and for other purposes,'" reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act further to amend chapter 692 of the Laws of 1866, entitled 'An act to amend an act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts, and for other purposes,'" and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 821 of the Laws of 1878, entitled 'An act to amend an act entitled An act to amend an act entitled An act for the benefit of married women in insuring the lives of their husbands, passed April 14, 1858, passed April 18, 1870,'" reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act further to amend chapter 277 of the Laws of 1870, entitled 'An act to amend an act entitled An act to amend an act entitled An act for the benefit of married women in insuring the lives of their husbands, passed April 14, 1858,' passed April 18, 1870," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 164 of the Laws of 1875, entitled 'An act for the relief of the grandchildren of Samuel F. Pratt, late of the city of Buffalo, deceased,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to repeal an act relating to courts, officers of justice and civil proceedings, passed June 2, 1876," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act repealing chapter 449 of the Laws of 1876," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend the Revised Statutes in rela-



## FOR THE AFFIRMATIVE.

Bixby	Gerard	Prince	Starbuck
Carpenter	Jacobs	Robertson	Tobey
Coleman	Kennaday	St. John	Wagner
Doolittle	McCarthy	Selkreg	Wellman
Emerson	Morrissey	Sprague	Woodin

20

Mr. Wagner moved that Assembly bill entitled "An act to amend chapter 389 of the Laws of 1854, entitled 'An act to amend and consolidate the laws in relation to Amsterdam village, in Montgomery county,'" be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Emerson moved that the consideration of the bill entitled "An act to authorize the election of women to school office," be made a special order for Thursday evening next, February fifteenth, at half-past seven o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act further to amend chapter 320 of the Laws of 1872, entitled 'An act to amend an act in relation to the rates of wharfage, and to regulate piers, wharves, bulk-heads and slips in the cities of New York and Brooklyn.'"

"An act in relation to the compensation of overseer of the poor, town clerk and commissioner of highways in the town of Saugerties, Ulster county."

Assembly, "An act to amend chapter 389 of the Laws of 1854, entitled 'An act to amend and consolidate the laws in relation to Amsterdam village, in Montgomery county.'"

After some time spent therein the President resumed the chair, and Mr. Selkreg, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Selkreg, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered to a third reading.

By unanimous consent, Mr. Tobey asked and obtained leave to introduce a bill entitled "An act to provide for the reduction of the number of directors in fire insurance companies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

Mr. Moore moved to reconsider the vote by which the Assembly bill entitled "An act to authorize the election of an additional justice of the peace in the town of Rossie, in the county of St. Lawrence," was passed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Morrissey	Sprague
Bradley	Harris	Prince	Starbuck

Carpenter	Kennaday	St. John	Tobey	
Cole	Loomis	Sayre	Wagner	
Coleman	McCarthy	Schoonmaker	Wellman	
Doolittle	Moore	Selkreg	Woodin	24

On motion of Mr. Moore, and by unanimous consent, said bill was amended by striking out the word "next," and inserting after the word "February," in section 1, line 4, the words "1877."

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Morrissey	Starbuck	
Carpenter	Harris	St. John	Tobey	
Cole	Jacobs	Sayre	Wagner	
Coleman	Kennaday	Selkreg	Wellman	
Doolittle	McCarthy	Sprague	Woodin	
Emerson	Moore			22

## FOR THE NEGATIVE.

Prince	Robertson	Schoonmaker		8
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On motion of Mr. Moore, and by unanimous consent, the rules were suspended, and the Clerk was ordered to return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

Mr. Jacobs moved that when the Senate adjourns to-day, it adjourn to meet on Monday evening next at 8 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Schoonmaker, and by unanimous consent, the rules were suspended, and the bill entitled "An act in relation to the compensation of overseer of the poor, town clerk and commissioner of highways in the town of Saugerties, Ulster county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Morrissey	Sprague	
Bixby	Harris	Robertson	Starbuck	
Bradley	Jacobs	St. John	Tobey	
Carpenter	Kennaday	Schoonmaker	Wagner	
Coleman	McCarthy	Selkreg	Woodin	20

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to amend an act entitled 'An act amending chapter 837 of the Laws of 1868, and chapter 623 of the Laws of 1869, in reference to



the laying out, opening and continuing of Bushwick avenue, in the town of New Lots, Kings county,' passed May 21, 1873."

"An act to amend chapter 235 of the Laws of 1873, entitled 'An act to amend an act entitled An act to establish free schools in school district No. 4, in the town of Eastchester, Westchester county,' passed June 8, 1853."

"An act relative to the taxation of land."

After some time spent therein the President resumed the chair, and Mr. Kennaday, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Kennaday, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act in relation to the compensation of overseer of the poor, town clerk and commissioner of highways in the town of Saugerties, Ulster county."

Mr. Loomis moved that the Senate do now go into executive session.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Whereupon, the Senate went into executive session, and after some time spent therein the doors were opened, and

On motion of Mr. Jacobs the Senate adjourned.

## MONDAY, FEBRUARY 12, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of Friday, February 9, was read and approved.

Mr. Coleman presented a petition of residents of the village of Hart's Falls, in the county of Rensselaer, for amendments to village charter; which was read and referred to the committee on the affairs of villages.

Mr. Coleman introduced a bill entitled "An act to amend chapter 512 of the Laws of 1867, entitled 'An act to incorporate the village of Hart's Falls, in the county of Rensselaer, passed April 22, 1867,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Sprague introduced a bill entitled "An act to confirm the official acts of John Otto, as notary public and commissioner of deeds," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Schoonmaker introduced a bill entitled "An act to amend title 4 of chapter 1 of part 3 of the Revised Statutes, entitled 'Of circuit courts, sittings and courts of oyer and terminer,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to amend the Code of Procedure," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Assembly returned the following entitled Assembly bill, with a message that they had concurred in the amendments of the Senate thereto.

"An act to amend chapter 291 of the Laws of 1870, entitled 'An act for the incorporation of villages.'"

*Ordered*, That the Clerk return said bill to the Assembly.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act further to amend chapter 320 of the Laws of 1872, entitled 'An act to amend an act in relation to the rates of wharfage, and to regulate piers, wharves, bulk-heads and slips in the cities of New York and Brooklyn.'"

"An act to amend chapter 235 of the Laws of 1873, entitled 'An act to amend an act entitled An act to establish free schools in school district No. 4, in the town of Eastchester, Westchester county,' passed June 8, 1853."

"An act to amend chapter 554 of the Laws of 1873, entitled 'An act amending chapter 837 of the Laws of 1868, and chapter 623 of the Laws of 1869, in reference to the laying out, opening and continuing of Bushwick avenue, in the town of New Lots, Kings county,' passed May 21, 1873."

Mr. Schoonmaker moved that Assembly bill entitled "An act to enable the town of Duanesburgh, Schenectady county, to issue bonds to pay debts incurred under the provisions of chapter 64 of the Laws of 1856, and chapter 401 of the Laws of 1857," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Harris moved that the bill entitled "An act authorizing the board of trustees of the village of West Troy to contract for a supply of water for public purposes," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Woodin moved that the bill entitled "An act extending the time in which the Canandaigua, Palmyra and Ontario Railway Company shall expend ten per cent of its capital in the construction of its road, and in which to finish the same and put it in operation," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, on the bills entitled as follows:

"An act extending the time in which the Canandaigua, Palmyra and Ontario Railway Company shall expend ten per cent of its capital in the construction of its road, and in which to finish the same and put it in operation."

"An act authorizing the board of trustees of the village of West Troy, to contract for a supply of water for public purposes."

Assembly, "An act to enable the town of Duanesburgh, Schenectady county, to issue bonds to pay debts incurred under the provisions of chapter 64 of the Laws of 1856, and chapter 401 of the Laws of 1857."

After some time spent therein, the President resumed the chair, and Mr. St. John, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. St. John, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to discontinue the Butternuts and Sherburne turnpike."

Assembly, "An act to establish the salaries of the county judge and the surrogate of Washington county."

"An act to amend chapter 559 of the Laws of 1855, entitled 'An act to amend an act passed April 12, 1848, to provide for the incorporation and regulation of telegraph companies,'"

After some time spent therein, the President resumed the chair, and Mr. Carpenter, from said committee, reported in favor of the passage of the first and last named bills, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Carpenter, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to amend title 3 of chapter 18 of part 1 of the Revised Statutes, entitled 'Of the general powers, privileges and liabilities of corporations,'"

"An act to amend chapter 144 of the Laws of 1872, entitled 'An act to amend the charter of the city of Albany, passed March 16, 1870, and the several acts amendatory thereof,'"

"An act to amend chapter 610 of the Laws of 1874, entitled 'An act to authorize the sale of lands for the non-payment of taxes, and for the collection of unpaid taxes in the several towns of the county of Westchester,'"

After some time spent therein, the President resumed the chair, and Mr. Bixby, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Bixby, from the same committee, reported progress on the second named bill, and asked leave to sit again.

Mr. Harris moved that the committee of the whole be discharged from the further consideration of said bill and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bixby, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Jacobs moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to authorize the building of an addition to the county jail at White Plains, in the county of Westchester, and the enlargement and improvement thereof, and to provide for the issuing of bonds for the purpose of paying the expense thereof."

"An act to amend section 4, title 5, chapter 20 of the first part of the Revised Statutes, entitled 'Of disorderly persons.'"

"An act to authorize the city of Troy to refund a portion of its bonded debt, falling due in the fiscal years 1877 and 1878."

After some time spent therein the President resumed the chair, and Mr. Harris, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Harris, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Emerson moved to reconsider the vote by which the motion to make the consideration of the bill entitled "An act to authorize the election of women to school offices," a special order for Thursday evening, February fifteenth, at half-past seven o'clock, was agreed to.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Emerson moved that the consideration of said bill be made a special order for Wednesday evening February fourteenth, at half-past seven o'clock, and that a session of the Senate be ordered for that evening for that purpose.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to secure greater economy in the government of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

On motion of Mr. Bixby, the Senate adjourned.

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## TUESDAY, FEBRUARY 13, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Schoonmaker presented a remonstrance of taxpayers of the city of Kingston against any law increasing the bonded debt of said city; which was read and referred to the committee on the affairs of cities.

Mr. Wagstaff presented a memorial of unemployed working men in the city of New York; which was read and referred to the committee on the affairs of cities.

Mr. Emerson presented a petition of the citizens of the city of Rochester, for repeal of the law exempting clergymen, church property and private schools from taxation; which was read and referred to the committee on finance.

Mr. Gerard presented a petition of Mrs. Jennie Cunningham Croly and others, for the passage of the act giving women the right to serv-

on school boards throughout the State; which was read and committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend section 16 of title 3 of chapter 6 of part 1 of the Revised Statutes," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend section 29 of article 3, chapter 6, title 6 of part 1 of the Revised Statutes, relating to the compensation of electors of President and Vice-President of the United States," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The President presented the report of commissioners to revise the statutes, submitting the draft of an act to amend the Code of Remedial Justice; which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to authorize the building of an addition to the county jail at White Plains, in the county of Westchester, and the enlargement and improvement thereof, and to provide for the issuing of bonds for the purpose of paying the expense thereof."

"An act authorizing the board of trustees of the village of West Troy to contract for a supply of water for public purposes."

"An act extending the time in which the Canandaigua, Palmyra and Ontario Railway Company shall expend ten per cent of its capital in the construction of its road, and in which to finish the same and put it in operation."

"An act to amend chapter 559 of the Laws of 1955, entitled 'An act to amend an act passed April 12, 1848, to provide for the incorporation and regulation of telegraph companies.'"

"An act to authorize the city of Troy to refund a portion of its bonded debt, falling due in the fiscal years 1877 and 1878."

"An act to amend title 3 of chapter 18 of part 1 of the Revised Statutes, entitled 'Of the general powers, privileges and liabilities of corporations.'"

"An act to amend section 4, title 5, chapter 20 of first part of the Revised Statutes, entitled 'Of disorderly persons.'"

"An act to discontinue the Butternuts and Sherburne turnpike."

The Assembly sent for concurrence the bills entitled as follows:

"An act to decrease the number of assessors in the town of Aurora, county of Erie, and to determine their terms of office," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to confirm the proceedings taken by the common council of the city of Buffalo to clean the sewer in Wadsworth street, between Hudson and Pennsylvania streets, in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to provide for the completion of the court house in the third judicial district in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend the charter of the city of Syracuse," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. McCarthy, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Lamont	St. John
Carpenter	Hammond	Loomis	Sayre
Cole	Harris	McCarthy	Selkreg
Coleman	Jacobs	Morrissey	Starbuck
Emerson	Kennaday	Robertson	Wagstaff
			20

On motion of Mr. McCarthy, and by unanimous consent, the rules were suspended and the Clerk was ordered to return said bill to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same.

The Assembly returned the following entitled Assembly bill, with a message that they had concurred in the amendments of the Senate thereto:

"An act making appropriations for the expenses and compensation of certain commissioners and their employes, appointed under chapter 382 of the Laws of 1876."

*Ordered*, That the Clerk return said bill to the Assembly.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same:

"An act authorizing the trustees of the First Methodist Church and the Young Men's Society of Jamesville, Onondaga county, to convey certain real estate."

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Loomis introduced a bill entitled "An act to establish the compensation of the county judge of Herkimer county, pursuant to the fifteenth section of the amended sixth article of the Constitution," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. St. John introduced a bill entitled "An act to authorize the Fish-kill and Newburgh Railroad Company to build a bridge across the Hudson," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Jacobs introduced a bill entitled "An act to amend chapter 604 of the Laws of 1875, entitled 'An act to prevent the deposit of carrion, offal or dead animals in the North and East rivers, or in the bay of New York, or Raritan bay, within the jurisdiction of the State of New York,' passed June 18, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

Mr. Prince introduced a bill entitled "An act in relation to the names of insurance companies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

Mr. Wagstaff introduced a bill entitled "An act to incorporate the New York Female Auxiliary Bible Society," which was read the first

time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

Also, a bill entitled "An act amending section 58 of chapter 448 of the Laws of 1876, being an act relating to courts, officers of justice and civil proceedings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act amending section 58 of chapter 448 of the Laws of 1876, being an act relating to courts, officers of justice and civil proceedings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Sayre introduced a bill entitled "An act to confer additional power upon the recorder of the city of Utica," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Selkreg introduced a bill entitled "An act to amend an act to authorize the formation of railroad corporations, and to regulate the same, passed April 2, 1850," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Also, a bill entitled "An act in relation to fire insurance policies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

The Assembly bill entitled "An act to amend chapter 389 of the Laws of 1854, entitled 'An act to amend and consolidate the Laws in relation to Amsterdam village, in Montgomery county,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Hammond	McCarthy	Selkreg
Carpenter	Harris	Morrissey	Starbuck
Cole	Jacobs	Robertson	Vedder
Coleman	Kennaday	St. John	Wagner
Emerson	Lamont	Sayre	Wellman
Gerard	Loomis	Schoonmaker	Woodin

24

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The bill entitled "An act to amend chapter 235 of the Laws of 1873, entitled 'An act to amend an act entitled 'An act to establish free schools in school district No. 4, in the town of Eastchester, Westchester county,' passed June 8, 1853,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Hammond	Morrissey	Selkreg
Carpenter	Harris	Robertson	Sprague

Cole	Jacobs	St John	Starbuck
Coleman	Kennaday	Sayre	Vedder
Emerson	Lamont	Schoonmaker	Wellman
Gerard			

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to enable the town of Duaneburgh, Schenectady county, to issue bonds to pay debts incurred under the provisions of chapter 64 of the Laws of 1856, and chapter 401 of the Laws of 1857," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Harris	Morrissey	Sprague
Carpenter	Jacobs	Robertson	Starbuck
Cole	Kennaday	St. John	Vedder
Coleman	Lamont	Sayre	Wagner
Emerson	Loomis	Schoonmaker	Wagstaff
Gerard	McCarthy	Selkreg	Wellman
Hammond			

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to establish the salaries of the county judge and the surrogate of Washington county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Harris	Morrissey	Sprague
Carpenter	Jacobs	Robertson	Starbuck
Coleman	Kennaday	St. John	Wagner
Emerson	Loomis	Sayre	Wellman
Gerard	McCarthy	Selkreg	

19

## FOR THE NEGATIVE.

Schoonmaker

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The bill entitled "An act to authorize the city of Troy to refund a portion of its bonded debt, falling due in the fiscal years 1877 and 1878," having been announced for a third reading,

On motion of Mr. Coleman, and by unanimous consent, said bill was amended as follows:

Section 1, line 9, printed bill, after the word "times," insert the words "not exceeding twenty years."



Section 2, line 7, printed bill, after the word "times," insert the words "not exceeding twenty years."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Hammond	Morrissey	Selkreg
Carpenter	Harris	Prince	Sprague
Cole	Jacobs	Robertson	Starbuck
Coleman	Kennaday	St. John	Wagner
Emerson	Loomis	Sayre	Wellman
Gerard	McCarthy	Schoonmaker	Woodin

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act extending the time in which the Canandaigua, Palmyra and Ontario Railway Company shall expend ten per cent of its capital in the construction of its road, and in which to finish the same and put it in operation," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Hammond	Robertson	Starbuck
Carpenter	Harris	St. John	Wagner
Cole	Jacobs	Sayre	Wagstaff
Coleman	Loomis	Schoonmaker	Wellman
Emerson	Morrissey	Sprague	Woodin
Gerard	Prince		

22

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act to discontinue the Butternuts and Sherburne turnpike," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Jacobs	Robertson	Sprague
Coleman	Lamont	St. John	Wagner
Emerson	Loomis	Sayre	Wagstaff
Gerard	McCarthy	Schoonmaker	Wellman
Hammond	Morrissey	Selkreg	

19

FOR THE NEGATIVE.

Prince	Starbuck
--------	----------

2

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act authorizing the board of trustees of the vil-

lage of West Troy to contract for a supply of water for public purposes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Harris	Prince	Selkreg
Carpenter	Jacobs	Robertson	Starbuck
Coleman	Kennaday	St. John	Wagner
Emerson	Lamont	Sayre	Wagstaff
Gerard	McCarthy	Schoonmaker	Wellman
Hammond	Morrissey		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend section 4, title 5, chapter 20 of the first part of the Revised Statutes, entitled 'Of disorderly persons,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Kennaday	Robertson	Sprague
Carpenter	Lamont	St. John	Starbuck
Gerard	McCarthy	Sayre	Wagner
Hammond	Morrissey	Schoonmaker	Wagstaff
Harris	Prince	Selkreg	Wellman
Jacobs			

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the building of an addition to the county jail at White Plains, in the county of Westchester, and the enlargement and improvement thereof, and to provide for the issuing of bonds for the purpose of paying the expense thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Harris	Prince	Selkreg
Carpenter	Kennaday	Robertson	Sprague
Coleman	Lamont	St. John	Starbuck
Emerson	McCarthy	Sayre	Wagstaff
Gerard	Morrissey	Schoonmaker	

19

## FOR THE NEGATIVE.

Jacobs

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The President presented the annual report of the Commissioners of Quarantine of the Port of New York; which was laid upon the table and ordered printed.

(See Doc. No. 33.)

Mr. Prince offered the following:

*Resolved*, That 500 copies of the annual report of the Commissioners of Quarantine be printed for the use of the board.

*Ordered*, That said resolution be referred to the committee on public printing.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act relating to the office of the commissioner of jurors in the city of New York."

"An act relating to the coroners of the city and county of New York, their duties and compensation."

After some time spent therein the President resumed the chair, and Mr. Emerson, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Emerson, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

On motion of Mr. Emerson the Senate adjourned.

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## WEDNESDAY, FEBRUARY 14, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Carpenter presented a petition of Amanda Deyo and other residents of Dutchess county, for the passage of an act enabling women to serve in school boards of the State; which was read and committed to the committee of the whole.

Mr. Coleman presented a remonstrance of residents of Hart's Falls, against proposed amendments to village charter; which was read and referred to the committee on the affairs of villages.

Mr. Loomis presented a petition of tax-payers of Herkimer county, for a reduction in salary of county judge and surrogate of said county, from \$3,000 to \$2,000; which was read and referred to the committee on the judiciary.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to business corporations," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act supplementary to chapter 611 of the Laws of 1875, entitled 'An act to provide for the organization and regulation of certain business corporations,'" and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to remove business disabilities from

married women," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend chapter 810 of the Laws of 1874, entitled 'An act to authorize the sale of lands for the non-payment of taxes, and for the collection of unpaid taxes in the several towns of the county of Westchester.'"

"An act to amend chapter 144 of the Laws of 1872, entitled 'An act to amend the charter of the city of Albany, passed March 16, 1870, and the several acts amendatory thereof.'"

"An act relating to the coroners of the city and county of New York, their duties and compensation."

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act in relation to the clerks, assistant clerks and officers other than attendants in the courts of records of the city and county of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act in relation to the attendants in courts of record in the city and county of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend chapter 30 of the Laws of 1876, entitled 'An act to amend chapter 520 of the Laws of 1870, entitled 'An act to establish and maintain a police force in the city of Troy, and to increase the powers and duties of the police commissioners of said city,' reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to determine and provide for the salaries of the judges of courts of records in the city and county of New York, which are a charge on the mayor, aldermen and commonalty of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act relating to the police courts in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act establishing the salary of the deputy comptroller, and making appropriations for certain expenses of the government and supplying deficiencies in former appropriations, for the fiscal year ending September 30, 1877," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the bills entitled as follows:

"An act making an appropriation for the payment of the salary and expenses of Ransom Balcom, one of the justices of the Supreme Court, for one year, ending December 31, 1877," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize the board of supervisors of the county of Colum-

bia to provide for the payment of the principal of a portion of the bounty debt of said county, by issuing new bonds," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to authorize the payment of certain moneys out of the State treasury to the heir-at-law of James Green, deceased," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act relative to lands in the city of New York, devised by Charlotte E. Jenkins, late of said city, deceased, authorizing the mortgaging or sale thereof, and the disposition of the proceeds thereof in accordance with the provisions of the will of the said deceased, the same to be done under the direction of the Supreme Court," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to change the name of the Rochester and Pine Creek Railroad Company to that of the Silver Lake Railroad Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to amend the charter of the Watertown Fire Insurance Company, organized under the general act to incorporate fire insurance companies, December 7, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

"An act in relation to the office of superintendent of public works, defining the powers of the superintendent, and prescribing the mode of disbursements on account of the canals," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Wagstaff introduced a bill entitled "An act to provide for the payment for uniforms and equipments of the Ninth Regiment National Guard, State of New York, worn out and lost in the service of the United States, during the late war," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on militia.

Mr. McCarthy introduced a bill entitled "An act to provide for the collection of unpaid city taxes in the city of Syracuse," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Prince introduced a bill entitled "An act to amend chapter 159 of the Laws of 1873, entitled 'An act authorizing the election of a police justice in the town of Newtown, Queens county, and prescribing his duties and compensation,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Also, a bill entitled "An act further to amend chapter 569 of the Laws of 1870, entitled 'An act to authorize the sale of lands belonging to, and occupied by the Seamen's Retreat on Staten Island,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Also, a bill entitled "An act further to amend chapter 510 of the Laws of 1869, entitled 'An act to amend an act entitled 'An act to incorporate the village of Flushing, passed April 15, 1837, and the several acts amendatory thereof, passed March 20, 1857,'" which was read the first

time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

The bill entitled "An act to amend chapter 610 of the Laws of 1874, entitled 'An act to authorize the sale of lands for the non-payment of taxes, and for the collection of unpaid taxes in the several towns of the county of Westchester,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Selkreg
Carpenter	Harris	Morrissey	Sprague
Cole	Jacobs	Robertson	Starbuck
Coleman	Kennaday	St. John	Wagner
Emerson	Loomis	Sayre	Wellman
			20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 144 of the Laws of 1872, entitled 'An act to amend the charter of the city of Albany, passed March 16, 1870, and the several acts amendatory thereof,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Robertson	Sprague
Carpenter	Hammond	St. John	Starbuck
Cole	Harris	Sayre	Tobey
Coleman	Kennaday	Schoonmaker	Wagner
Doolittle	Loomis	Selkreg	Wellman
Emerson	McCarthy		
			22

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

Mr. Morrissey offered the following:

*Resolved* (if the Assembly concur), That the committees on the affairs of cities of the Senate and Assembly, be and they are hereby instructed to meet in joint session and prepare and report to the two houses within ten days, a bill for the reduction of expenses and offices in the several departments in the city of New York, with a view to securing greater economy and retrenchment in the administration of the affairs of that city.

On motion of Mr. Morrissey, and by unanimous consent, said resolution was considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly and request their concurrence therein.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act relating to the office of the clerk of the city and county of New York."

"An act relating to the office of register of deeds in the city and county of New York."

"An act for the punishment of defaulting executors, administrators, guardians and trustees."

After some time spent therein, the President resumed the chair, and Mr. Lamont, from said committee, reported progress on the first and second named bills, and asked and obtained leave to sit again.

Mr. Lamont, from the same committee, reported in favor of the passage of the last named bill, with amendments, and the title amended so as to read "An act to define and punish embezzlement by executors, administrators, guardians and trustees," which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Kennaday moved that said bill, as amended, be printed, pending the third reading thereof.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin moved that the bill entitled "An act relating to the office of the commissioner of jurors in the city of New York," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Harris offered the following:

*Resolved*, That the time in which the finance committee are required to report upon the designs and plans upon which the erection of the new capitol building shall be prosecuted, be extended until the first day of March.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Harris moved that the Assembly bill entitled "An act establishing the salary of the deputy comptroller, and making appropriations for certain expenses of the government, and supply deficiencies in former appropriations, for the fiscal year ending September 30, 1877," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act relating to the office of the commissioner of jurors in the city of New York."

"An act relative to the taxation of land."

Assembly, "An act establishing the salary of the deputy comptroller, and making appropriations for certain expenses of the government, and supplying deficiencies in former appropriations, for the fiscal year ending September 30, 1877."

After some time spent therein, the President resumed the chair, and Mr. Vedder, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Vedder, from the same committee, reported progress on the second and last named bills, and asked and obtained leave to sit again.

Mr. Harris moved that said last named bill, as amended, be printed. The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Jacobs moved that the Senate do now go into executive session. The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Whereupon the Senate went into executive session, and after some time spent therein, the doors were opened, and,

On motion of Mr. Jacobs, the Senate took a recess until half-past seven o'clock.

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### HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

The Assembly sent for concurrence the bills entitled as follows :

"An act to amend chapter 555 of the Laws of 1864, entitled 'An act to revise and consolidate the general acts relating to public instruction,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to amend section 1 of chapter 638 of the Laws of 1867, entitled 'An act authorizing the New York society for the relief of the ruptured and crippled to hold real and personal estate,' " which was read the first time, and by unanimous consent was also read the second time.

Mr. Bixby moved that said bill be substituted for Senate bill No. 80, G. O. No. 80, same title.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill was then committed to the committee of the whole.

"An act in relation to running ferry boats by the Union Ferry Company of Brooklyn across the East river," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

The Assembly returned the following entitled Assembly bills, with a message that they had concurred in the amendments of the Senate thereto :

"An act to amend chapter 389 of the Laws of 1854, 'An act to amend and consolidate the laws in relation to Amsterdam village, in Montgomery county.' "

"An act to establish the salaries of the county judge and surrogate of Washington county."

*Ordered*, That the Clerk return said bills to the Assembly.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows :

"An act to authorize the election of women to school offices."

After some time spent therein, the President resumed the chair, and Mr. Carpenter, from said committee, reported progress on the said named bill, and asked and obtained leave to sit again.

On motion of Mr. Bixby, the Senate adjourned.



## THURSDAY, FEBRUARY 15, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Harris presented a petition of citizens of Albany county and vicinity for an act prohibiting the manufacture of collars, cuffs and shirts by convict labor; which was read and referred to the committee on State prisons.

Mr. Prince presented a petition of citizens of New York, for the appointment of women to serve as school officers; which was read and committed to the committee of the whole.

Mr. Schoonmaker presented a remonstrance of tax-payers of Kingston against any increase in the bonded debt of said city; which was read and referred to the committee on the affairs of cities.

Mr. Wellman presented a petition of citizens of Canaseraga for the relief of the Canaseraga circulating library; which was read and referred to the committee on internal affairs.

Mr. Loomis presented a petition of tax-payers of Herkimer county for a reduction of the salary of county judge and surrogate from \$3,000 to \$2,000 per annum; which was read and referred to the committee on the judiciary.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to provide for the collection of unpaid city taxes in the city of Syracuse," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to legalize the action of the village of Whitehall," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act relating to the office of the commissioner of jurors in the city of New York."

"An act relating to the coroners of the city and county of New York. their duties and compensation."

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to repeal chapter 142 of the Laws of 1873, entitled 'An act to amend chapter 97 of the Laws of 1869, entitled 'An act to incorporate the trustees of the Minard fund for the benefit of widows and orphans of deceased preachers of the Genesee annual conference,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the town of Wilna, in the county of Jefferson, to reissue bonds to redeem and pay the bonds issued by said town in aid of the Utica and Black River Railroad Company, by virtue of chapter 624 of the Laws of 1866," reported in favor of the

passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Wellman introduced a bill entitled "An act for the relief of the Canaseraga circulating library," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Kennaday introduced a bill entitled "An act to confirm the official acts of William J. Merritt, as notary public of Kings county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Loomis introduced a bill entitled "An act to establish the compensation of the county judge and surrogate of Otsego county, pursuant to the fifteenth section of the amended sixth article of the Constitution," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Starbuck introduced a bill entitled "An act to regulate the amount of recoveries against insurance companies on policies insuring against loss or damage by fire," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

The bill entitled "An act relating to the office of the commissioner of jurors in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate, voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Starbuck
Bradley	Hammond	Morrissey	Vedder
Carpenter	Harris	Prince	Wagner
Cole	Jacobs	Robertson	Wagstaff
Coleman	Lamont	St. John	Wellman
Doolittle	Loomis	Selkreg	Woodin
Emerson			

25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act relating to the coroners of the city and county of New York, their duties and compensation," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Starbuck
Bixby	Gerard	Morrissey	Tobey
Bradley	Jacobs	Prince	Vedder
Carpenter	Kennaday	Robertson	Wagner
Cole	Lamont	St. John	Wagstaff
Coleman	Loomis	Selkreg	Woodin
Doolittle			

25

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act to define and punish embezzlement by executors, guardians and trustees," having been announced for a third reading.

On motion of Mr. Schoonmaker, and by unanimous consent, said bill was amended as follows:

Section 2, line 4, after the words "collection, be," insert "paid to the county treasurer."

Same section, line 14, after the words "but shall," insert "upon the order of said Supreme Court."

Same section, line 15, after "judgment," insert "or decree," and in same line, after "judgment" second occurring, the words "or decree."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Selkreg	
Bradley	Hammond	Morrissey	Starbuck	
Carpenter	Harris	Robertson	Wagner	
Coleman	Jacobs	St. John	Wagstaff	
Emerson	Lamont	Schoonmaker	Wellman	20

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act further to amend chapter 320 of the Laws of 1872, entitled 'An act to amend an act in relation to the rates of wharfage, and to regulate piers, wharves, bulk-heads and slips, in the cities of New York or Brooklyn,'" having been announced for a third reading,

On motion of Mr. Prince, and by unanimous consent, said bill was amended as follows:

Section 1, line 10, printed bill, strike out the words "or to any other vessel lying at such pier, wharf or bulk-head."

Same section, line 20, after the word "vessel" insert "over fifty tons burthen."

Same section, line 21, strike out "twenty-five cents" and insert in lieu thereof "fifty cents."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Starbuck	
Bradley	Hammond	Prince	Tobey	
Carpenter	Harris	Robertson	Vedder	
Coleman	Jacobs	St. John	Wagner	
Doolittle	Kennaday	Selkreg	Wellman	
Emerson	Lamont			22

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

By unanimous consent, Mr. Bradley asked and obtained leave to introduce a bill entitled "An act to repeal section 1 of chapter 14 of the Laws

of 1877, entitled 'An act to provide for the incorporation of villages,' passed December 7, 1847, and the several acts amendatory thereof, so far as relates to the village of Corning, in the county of Steuben," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Bradley, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Starbuck
Bradley	Hammond	Morrissey	Tobey
Carpenter	Harris	Prince	Wagner
Coleman	Jacobs	Robertson	Wagstaff
Doolittle	Kennaday	Schoonmaker	Wellman
Emerson	Lamont		

22

On motion of Mr. Bradley, and by unanimous consent, the rules were suspended, and the Clerk was ordered to deliver said bill to the Assembly immediately, and request their concurrence therein.

Mr. Wagstaff offered the following :

*Resolved* (if the Assembly concur), That article nine of the Constitution be amended by the addition of the following section :

§ 2. Free common schools shall be maintained throughout the State forever. The Legislature shall provide for the instruction in the branches of elementary education in such schools of all the persons in the State between the ages of five and twenty-one years, for the period of at least twenty-eight weeks in each year. Neither the money, property or credit of the State, nor of any county, city, town, village or school district, shall be given, loaned or leased, or be otherwise applied, to the support or in aid of any school or instruction under the control or in charge of any church, sect or denomination, or religious society ; nor to or in aid of any school in which instruction is given peculiar to any church, creed, sect or denomination, or to or in aid of any such instruction ; nor to or in aid of any school or instruction not free alike to all, and also subject to the supervision of and conformed to the regulations of the public school authorities. This section shall not prohibit the Legislature from making such provision for the education of the blind, the deaf and dumb, and juvenile delinquents, as it may seem proper, except that such education shall not be in institutions in which instruction is given peculiar to any church, creed, sect, denomination, or religious society ; nor shall this section apply to or affect the Cornell University endowment fund, hitherto pledged and appropriated.

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that, in conformity with section 1 of article 13 of the Constitution, it be published for three months previous to the time of such election.

*Ordered*, That said resolution be referred to the committee on literature.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows :

"An act to repeal section 1 of chapter 14 of the Laws of 1877, entitled 'An act to provide for the incorporation of villages,' passed December 7, 1847, and the several acts amendatory thereof, so far as relate to the village of Corning, in the county of Steuben."

"An act to define and punish embezzlement by executors, administrators, guardians and trustees."

Mr. Hammond moved that the committee of the whole be discharged from the further consideration of the bill entitled "An act in relation to county treasurers," and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Harris moved that the bill entitled "An act establishing the salary of the deputy comptroller and making appropriations for certain expenses of the government, and supplying deficiencies in former appropriations, for the fiscal year ending September 30, 1877," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act establishing the salary of the deputy Comptroller and making appropriations for certain expenses of the government, and supplying deficiencies in former appropriations, for the fiscal year ending September 30, 1877."

"An act relating to the office of register of deeds in the city and county of New York."

After some time spent therein the President resumed the chair, and Mr. Starbuck, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and ordered to a third reading.

Mr. Starbuck, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Wagstaff offered the following:

*Resolved* (if the Assembly concur), That this Legislature will adjourn from Friday the 16th inst., to Monday evening, February 26th inst., at eight o'clock.

*Ordered*, That said resolution be laid upon the table.

By unanimous consent, Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend and make additions to chapter 463 of the Laws of 1860, entitled An act to revise the charter of the city of Oswego and the acts amendatory thereof,' passed May 20, 1876," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Doolittle, and by unanimous consent, said bill was ordered to be considered in first committee of the whole.

The Assembly returned the concurrent resolution instructing the committees on the affairs of cities to meet in joint convention to prepare a bill for the reduction of expenses and offices in the city of New York, with a message that they had concurred therein.

The Assembly returned the following entitled bill, with a message

informing that they had concurred in the passage of the same with amendments:

"An act in relation to the Superintendent of State Prisons."

Add as section 3 the following:

§ 3. No appointment shall be made in any of the prisons in this State on grounds of political partisanship, but honesty, capacity and adaptation shall constitute the rule for appointments, and any violation of this rule shall be sufficient cause for the removal from office of the superintendent.

Change original section 3 to section 4.

Mr. Schoonmaker moved that the question of agreeing to said amendments be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Wellman moved that the Senate do non-concur in said amendments, that a committee of conference be appointed thereon and that the Assembly be requested to appoint a like committee.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Jacobs, the Senate adjourned.

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## FRIDAY, FEBRUARY 16, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

■ The journal of yesterday was read and approved.

Mr. Bradley presented thirty petitions in favor of substituting reformatory for time sentences in cases of persons sent to the Elmira State Reformatory; which were read and referred to the committee on State prisons.

Mr. Sprague presented a remonstrance of citizens of the town of Aurora against the passage of a bill reducing the number of assessors in that town; which was read and referred to the committee on the judiciary.

Mr. Gerard presented a petition of the officers and members of the board of education and school trustees and teachers in the city of New York for the passage of the bill giving women the right to serve in boards of education; which was read and committed to the committee of the whole.

Mr. Emerson presented three petitions of citizens of Rochester, Saratoga Springs and the town of Lennox, upon the same subject; which were read and committed to the committee of the whole.

Mr. Wellman, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to incorporate the Cathedral of St. John, in the Diocese of Long Island," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to incorporate the Cathedral of the Incarnation, in the Diocese of Long Island," and said bill was committed to the committee of the whole.

Mr. Wellman, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to incorporate the New York Female Auxiliary Bible Society," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to confirm the official acts of William J. Merritt, as Notary Public of Kings county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Coleman, from the committee on banks, to which was referred the bill entitled "An act to restrain bankers and individual brokers from imposing upon the public, and to protect the public from unauthorized banking," reported in favor of the passage of the same, with amendments (Mr. Wellman dissenting), and said bill was committed to the committee of the whole.

Mr. McCarthy, from the committee on literature, to which was referred the Assembly bill entitled "An act to amend chapter 555 of the Laws of 1864, entitled 'An act to revise and consolidate the general acts relating to public instruction,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Emerson, from the committee on public health, to which was referred the bill entitled "An act to repeal chapter 74 of the Laws of 1866, entitled 'An act to create a metropolitan sanitary district and board of health, and to prevent the spread of disease, so far as relates to Queens county, and to provide for the appointment of boards of health in the several towns of Newtown, Flushing and Jamaica, in said county, and defining their powers and duties,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Emerson, from the committee on public health, to which was referred the bill entitled "An act to amend chapter 358 of the Laws of 1863, entitled 'An act establishing quarantine and defining the qualifications, duties and powers of the health officer of the port and harbor of New York,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Emerson, from the committee on public health, to which was referred the bill entitled "An act to provide for the abatement of nuisances by boards of health of incorporated cities," reported in favor of the passage of the same, with amendments, and directed their chairman to report said bill for the consideration of the Senate.

Mr. Jacobs moved that said bill be committed to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Emerson, from the committee on public health, to which was referred the Assembly bill entitled "An act for the preservation of life at bathing places," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Tobey, from the committee on insurance, to which was referred the bill entitled "An act to provide for the reduction of the number of directors in fire insurance companies," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was recommitted the bill entitled "An act in relation to the duties of assessors and com-

missioners of taxes," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the concurrent resolutions, in the words following:

*Resolved* (if the Assembly concur), That section 6, of article 3, of the Constitution, be amended so as to read as follows:

§ 6. Each member of the Legislature shall receive for his services an annual salary of one thousand dollars. The members of either House shall also receive the sum of one dollar for every ten miles they shall travel in going to, and returning from, their place of meeting, once in each session, on the most usual route. Senators, when the Senate alone is convened in extraordinary session, or when serving as members of the court for the trial of impeachments, and such members of the Assembly, not exceeding nine in number, as shall be appointed managers of an impeachment, shall receive an additional allowance of ten dollars a day.

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature, to be chosen at the next general election of Senators, and that in conformity to section 1 of article 13 of the Constitution, it be published for three months previous to the time of such election; reported in favor of the passage of the same (Mr. Harris dissenting), and said resolutions were committed to the committee of the whole.

Mr. Harris moved that the committee on finance be discharged from the further consideration of the bill entitled "An act to reduce and equalize the taxes," and that the same be referred to the committee on internal affairs.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend chapter 159 of the Laws of 1873, entitled 'An act authorizing the election of a police justice in the town of Newtown, Queens county, and prescribing his duties and compensation,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act further to amend chapter 510 of the Laws of 1869, entitled 'An act to amend an act entitled An act to incorporate the village of Flushing, passed April 15, 1837, and the several acts amendatory thereof, passed March 20, 1857,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act in relation to county treasurers."

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to provide for the payment for goods, merchandise and material furnished and labor performed in fitting up and furnishing armories and drill rooms in the city of New York," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to provide for the determination and payment of claims for goods, merchandise and material furnished



and labor performed in fitting up and furnishing armories and drill rooms in the city of New York," and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the bill entitled as follows:

"An act to authorize the city of Newburgh to borrow moneys and issue bonds therefor in payment of the enlargement and improvement of the water-works of said city," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. St. John, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	Loomis	Schoonmaker
Bradley	Gerard	McCarthy	Selkreg
Carpenter	Harris	Morrissey	Tobey
Cole	Jacobs	Robertson	Vedder
Coleman	Kennaday	St. John	Wagstaff
Doolittle	Lamont	Sayre	Woodin

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Coleman introduced a bill entitled "An act to amend an act entitled 'An act to amend an act passed May 3, 1870, entitled An act to amend an act to incorporate the city of Troy, passed April 12, 1816, and the several acts amendatory thereto, and also to amend other acts relating to the city of Troy,' passed March 23, 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to amend an act entitled 'An act to amend an act passed May 23, 1870, entitled An act to amend an act to incorporate the city of Troy, passed April 12, 1816, and the several acts amendatory thereto, and also to amend other acts relating to the city of Troy,' passed March 23, 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Woodin introduced a bill entitled "An act for the reduction of the salaries and compensation of certain officers and clerks in the cities of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to further define the powers and duties of the mayor of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Doolittle introduced a bill entitled "An act to incorporate the Oswego Firemen's Relief Society," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Robertson introduced a bill entitled "An act to provide for the raising of moneys to defray the expense of Boston avenue and Third

avenue, from Westchester avenue to the northerly boundary of the Twenty-third ward in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Tobey introduced a bill entitled "An act to confirm the board of supervisors of Warren county, in relation to the highway between Caldwell and Luzerne," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Wagstaff introduced a bill entitled "An act further to amend chapter 106 of the Laws of 1865, entitled 'An act to incorporate the New York Infant Asylum,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

Also, a bill entitled "An act in relation to the New York Tunnel Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Also, a bill entitled "An act to authorize surrogates to appoint receivers of the real estate of a deceased person in certain cases," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Cole introduced a bill entitled "An act in relation to the reduction of the capital stock of certain corporations," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Schoonmaker introduced a bill entitled "An act in relation to the property and families of absconding persons," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Assembly returned the following entitled bill, with a message informing that they had concurred in the passage of the same:

"An act to repeal section 1 of chapter 14 of the Laws of 1877, entitled 'An act to provide for the incorporation of villages,' passed December 7, 1847, and the several acts amendatory thereof, so far as relates to the village of Corning, Steuben county.'"

*Ordered,* That the Clerk deliver said bill to the Governor.

The Assembly bill entitled "An act establishing the salary of the deputy Comptroller and making appropriations for certain expenses of the government, and supplying deficiencies in former appropriations, for the fiscal year ending September 30, 1877," being announced for a third reading,

On motion of Mr. Harris, and by unanimous consent, said bill was amended as follows:

Insert at end of section 1 the following: "For the support of the laundry establishment at Sing Sing prison, the sum of \$7,500, for the current fiscal year ending September 30, 1877, as authorized by chapter 458, Laws of 1866, and the earnings from this source shall be accounted for and deposited in the same manner as other prison earnings."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby  
Bradley

Hammond  
Harris

McCarthy  
Robertson

Selkreg  
Starbuck

Carpenter	Jacobs	St. John	Vedder
Doolittle	Kennaday	Sayre	Wagstaff
Emerson	Lamont	Schoonmaker	Woodin
Gerard	Loomis		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Jacobs moved that the Senate go into executive session at half past twelve o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Wagstaff moved that the committee of the whole be discharged from the further consideration of the bill entitled "An act authorizing the taxation of stockholders of life, fire and marine insurance companies," and that the same be recommitted to the committee on finance, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Carpenter	Kennaday	Morrissey	Schoonmaker
Coleman	Lamont	Prince	Tobey
Doolittle	Loomis	Robertson	Wagstaff
Gerard	McCarthy	St. John	Woodin
Jacobs			

17

## FOR THE NEGATIVE.

Emerson	Sayre	Selkreg	Starbuck
Hammond			

5

Mr. Wellman moved that the vote by which the Senate non-concurred in the amendments made by the Assembly to the bill entitled "An act in relation to the Superintendent of State Prisons," and requesting a committee of conference thereon, be reconsidered.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Harris	Robertson	Vedder
Carpenter	Jacobs	Sayre	Wagstaff
Coleman	McCarthy	Selkreg	Wellman
Doolittle	Morrissey	Tobey	Woodin
Emerson	Prince		

18

## FOR THE NEGATIVE.

Bixby	Gerard	Lamont	Schoonmaker
Bradley	Hammond	Loomis	Starbuck
Cole	Kennaday	St. John	

11

The President then put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Morrissey	Tobey
Bixby	Gerard	Prince	Vedder
Carpenter	Harris	Robertson	Wagstaff

Coleman	Jacobs	Sayre	Wellman	
Doolittle	McCarthy	Selkreg	Woodin	20

FOR THE NEGATIVE.

Cole	Kennaday	Loomis	Schoonmaker	
Hammond	Lamont	St. John	Starbuck	

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

Mr. Gerard moved to reconsider the vote by which the bill entitled "An act to define and punish embezzlement by executors, guardians and trustees," was passed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Gerard, and by unanimous consent, said bill was amended as follows:

Section 1, line 5, insert the word "fraudulent." Same section, line 6, insert the word "fraudulent."

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Selkreg	
Bixby	Gerard	Prince	Starbuck	
Bradley	Harris	Robertson	Tobey	
Carpenter	Jacobs	St. John	Wagstaff	
Coleman	Kennaday	Sayre	Wellman	
Doolittle	Loomis	Schoonmaker	Woodin	24

FOR THE NEGATIVE.

Hammond				1
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*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The hour of half-past twelve o'clock having arrived, the Senate then went into executive session, and after some time spent therein, the doors were opened, and the Senate resumed legislative business.

Mr. Jacobs moved that when the Senate adjourns to-day, it adjourn to meet on Monday evening at eight o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bixby	Jacobs	Lamont	Wagstaff	
Gerard	Kennaday			0

FOR THE NEGATIVE.

Bradley	Hammond	St. John	Starbuck	
Carpenter	Harris	Sayre	Tobey	
Coleman	McCarthy	Schoonmaker	Wellman	
Doolittle	Morrissey	Selkreg	Woodin	
Emerson	Robertson			18

The Senate then resolved itself into a committee of the whole and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act for the relief of certain persons claiming to have acted as clerks and assistant clerks of the district courts in the city of New York."

"An act relating to the office of the clerk of the city and county of New York."

"An act to amend an act entitled 'An act to amend and make additions to chapter 463 of the Laws of 1860, entitled An act to revise the charter of the city of Oswego, and the acts amendatory thereof,' passed May 20, 1876."

After some time spent therein, the President resumed the chair, and Mr. Wagstaff, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Wagstaff, from the same committee, reported progress on the second and last named bills, and asked and obtained leave to sit again.

Mr. Bradley moved to reconsider the vote by which the bill entitled "An act to define and punish embezzlement by executors, administrators, guardians and trustees," was passed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bradley moved that said bill be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act relative to the taxation of land."

"An act to authorize the election of women to school offices."

"An act to amend chapter 440 of the Laws of 1873, entitled 'An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes.'"

After some time spent therein, the President resumed the chair, and Mr. Bixby, from said committee, reported in favor of the passage of the first named bill, with amendments, and the title amended so as to read "An act to amend title 1, chapter 13, part 1 of the Revised Statutes, entitled 'Of property liable to taxation,'" which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Bixby, from the same committee, reported in favor of the passage of the second and last named bills, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Woodin moved that the Senate do now adjourn until Monday evening next at eight o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

MONDAY, FEBRUARY 19, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of Friday, February 16, was read and approved.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to authorize the election of women to school offices."

"An act to amend chapter 440 of the Laws of 1878, entitled 'An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes.'"

"An act to amend title 1, chapter 13, part 1 of the Revised Statutes, entitled 'of property liable to taxation.'"

The Assembly sent for concurrence the bill entitled as follows:

"An act to amend chapter 171 of the Laws of 1857, entitled 'An act to revise, amend and consolidate the laws in relation to the village of Norwich, in the county of Chenango,' passed March 23, 1857, and other acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same:

"An act to authorize the Utica Mechanics' Association to borrow money to pay its floating debt, and to issue bonds and execute a mortgage to secure the payment of the same,"

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly sent for concurrence the resolutions in the words following:

*Resolved* (if the Senate concur), That there be printed 500 extra copies of the annual report of the Superintendent of the Onondaga Salt Springs for the use of the superintendent, provided that the cost thereof shall not exceed ten cents per page per one hundred copies.

*Ordered*, That said resolution be referred to the committee on public printing.

*Resolved* (if the Senate concur), That 1,000 copies of the Adjutant-General's report be printed and bound in cloth, for the use of the Adjutant-General's department, provided that the cost of printing thereof shall not exceed ten cents per page per one hundred copies.

*Ordered*, That said resolution be referred to the committee on public printing.

*Resolved* (if the Senate concur), That this House will adjourn on Wednesday, the 21st inst., at 12 noon, until Tuesday, the 28th inst., at 11 o'clock, A. M.

*Ordered*, That said resolution be laid upon the table.

Mr. Harris introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the American Baptist Home Mission Society,' passed April 12, 1843, and amended February 9, 1849," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

Mr. Prince introduced a bill entitled "An act to authorize the appointment of policeman of district telegraph companies in the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Carpenter introduced a bill entitled "An act to amend chapter 497 of the Laws of 1874, entitled 'An act to amend the charter of the city of Poughkeepsie, and to consolidate with it other acts relating to said city,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act authorizing the construction of an armory or arsenal in the city of Poughkeepsie," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on militia.

Mr. Robertson introduced a bill entitled "An act to legalize the proceedings of the annual town meetings of the town of Westchester, in the county of Westchester, in relation to the purchase of fire apparatus, and to provide for carrying the same into effect," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Bradley introduced a bill entitled "An act further to amend chapter 379 of the Laws of 1848, entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to amend section 13 of title 1, chapter 1 of part 4 of the Revised Statutes, entitled 'Of crimes and their punishment,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Morrissey introduced a bill entitled "An act in relation to the estimates and apportionment for the board of education of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Morrissey, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend chapter 497 of the Laws of 1874, entitled 'An act to amend the charter of the city of Poughkeepsie, and to consolidate with it other acts relating to said city,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend section 1 of chapter 638 of the Laws of 1867, entitled 'An act authorizing the New York Society for the relief of the Ruptured and Crippled to hold real and personal estate.'"

Assembly, "An act to amend section 3 of chapter 767 of the Laws of 1872, entitled 'An act to establish the compensation of county judges and surrogates pursuant to the fifteenth section of the amended sixth article of the Constitution,' passed May 17, 1872."

"An act to amend chapter 361 of the Laws of 1852, entitled 'An act to facilitate the dissolution of manufacturing corporations in the county of Herkimer and to secure the payment of their debts without preference.'"

After some time spent therein, the President resumed the chair, and Mr. Hammond, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Hammond, from the same committee, reported progress on the second named bill, and asked and obtained leave to sit again.

Mr. Hammond, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Doolittle moved that the bill entitled "An act to amend an act entitled 'An act to amend and make additions to chapter 463 of the Laws

of 1860, entitled 'An act to revise the charter of the city of Oswego, and the acts amendatory thereof,' passed May 20, 1876, be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills and concurrent resolution entitled as follows :

"An act to provide for the payment of bonds issued by municipal corporations under the provisions of chapter 907, Laws of 1869, and the acts amendatory thereof."

"An act to amend an act entitled 'An act to amend and make additions to chapter 463 of the Laws of 1860, entitled An act to revise the charter of the city of Oswego, and the acts amendatory thereof,' passed May 20, 1876."

"Concurrent resolution proposing an amendment to article 6 of the Constitution, by the addition of a new section, to be called section 29.

*Resolved* (if the Assembly concur), that article 6 of the constitution be amended by adding thereto the following section :

§ 29. On the 1st day of January, 1879, the Court of Common Pleas for the city and county of New York, and the Superior Court of the city of New York, shall cease to exist; and all the jurisdiction of said courts shall vest in, and all the judges of said courts, then in office, shall become justices of the Supreme Court; and the judicial power in civil and criminal cases, and any judicial power as a county judge and other special authority and jurisdiction, now vested in any or either of said courts, shall vest in the justices of the Supreme Court for the first department, subject to such provision as may be made by law, for the exercise thereof; and thereupon, the judges so transferred, shall hold their place for the remainder of the respective terms for which they shall have been chosen or appointed; and suits, actions, appeals, motions and proceedings, then pending in the courts so abolished, or before a judge or justice thereof, shall be and become immediately transferred to the Supreme Court, for the first department, without prejudice to any undertaking, bond, pleading, deposition or other entry or proceeding previously had therein; and thereafter there shall be seventeen justices of the Supreme Court for the first department (which shall consist of the city and county of New York), chosen or appointed as provided by the Constitution of this State. The salaries of all said justices, except five, shall be provided for and paid by the city of New York; and the Legislature shall have power to fix and equalize the salaries of all of said justices. The Legislature may, by law, provide for organizing an additional General Term, in the first department of the Supreme Court, to be composed of a presiding justice and not more than three other justices.

*Resolved* (if the Assembly concur), that the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that in conformity to section 1 of article 13 of the Constitution, it be published for three months previous to the time of such election."

After some time spent therein, the President resumed the chair, and Mr. Emerson, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again,



Mr. Emerson, from the same committee, reported in favor of the passage of the second named bill, with amendments, and the title amended so as to read "An act further to amend chapter 463 of the Laws of 1860, entitled 'An act to revise the charter of the city of Oswego, and the acts amendatory thereof,'" which report was agreed to, and the same ordered to a third reading.

Mr. Emerson, from the same committee, reported in favor of the adoption of said concurrent resolution, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to amend chapter 559 of the Laws of 1864, entitled 'An act to amend the act entitled An act to provide for the incorporation of villages,' passed 7th of December, 1847, so far as relates to the village of Corning, in the county of Steuben."

"An act to amend chapter 641 of the Laws of 1867, entitled 'An act for the relief of the Co-operative Iron Founders' Association of Troy.'"

"An act to regulate the reinsurance of the policy obligations of life insurance companies."

After some time spent therein, the President resumed the chair, and Mr. Harris, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Harris, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act further to amend chapter 692 of the Laws of 1866, entitled 'An act to amend an act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts and for other purposes.'"

"An act to amend chapter 164 of the Laws of 1875, entitled 'An act for the relief of the grandchildren of Samuel F. Pratt, late of the city of Buffalo, deceased.'"

"An act to amend chapter 277 of the Laws of 1870, entitled 'An act to amend an act entitled An act for the benefit of married women, in insuring the lives of their husbands,' passed April 14, 1858, passed April 18, 1870."

After some time spent therein, the President resumed the chair, and Mr. Loomis, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Loomis, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to remove business disabilities from married women."

"An act to amend section 16 of title 3, of chapter 6 of part 1 of the Revised Statutes."

"An act to amend chapter 30 of the Laws of 1876, entitled 'An act to amend chapter 520 of the Laws of 1870, entitled An act to establish and maintain a police force in the city of Troy, and to increase the powers and duties of the police commissioners of said city,' passed February 28, 1876."

After some time spent therein, the President resumed the chair, and Mr. Bixby, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Bixby, from the same committee, reported in favor of the passage of the second and last named bills, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

On motion of Mr. Wagstaff, the Senate adjourned.

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## TUESDAY, FEBRUARY 20, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Bradley presented thirty-eight petitions of citizens of the State, relative to time sentences in cases of persons sentenced to the New York State Reformatory at Elmira; which were read and referred to the committee on State prisons.

Mr. Robertson presented a petition of citizens of the city of New York, asking for relief under the landlord and tenant act, and matters pertaining to contracts for sale of real estate; which was read and referred to the committee on finance.

Mr. Emerson presented a petition from the Society of Friends for the abolition of capital punishment; which was read and referred to the committee on the judiciary.

Mr. Schoonmaker presented a remonstrance of the tax-payers of the city of Kingston, against the increase of the city debt; which was read and referred to the committee on the affairs of cities.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend chapter 171 of the Laws of 1857, entitled 'An act to revise, amend and consolidate the laws in relation to the village of Norwich, in the county of Chenango,' passed March 23, 1857, and other acts amendatory thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris moved that the bill entitled "An act to amend title 1, chapter 13, part 1 of the Revised Statutes, entitled 'Of property liable to taxation,'" be recommitted to the committee on finance, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills as follows:

"An act to amend chapter 277 of the Laws of 1870, entitled 'An act to amend an act entitled An act to amend an act entitled An act for the

benefit of married women, in insuring the lives of their husbands,' passed April 14, 1858."

"An act to amend chapter 559 of the Laws of 1864, entitled 'An act to amend the act entitled An act to provide for the incorporation of villages, passed December 7, 1847, so far as relates to the village of Cornung, in the county of Steuben.'"

"An act to amend chapter 641 of the Laws of 1867, entitled 'An act for the relief of the Co-operative Iron Founders' Association at Troy.'"

"An act to amend chapter 164 of the Laws of 1875, entitled 'An act for the relief of the grandchildren of Samuel E. Pratt, late of the city of Buffalo, deceased.'"

"An act to amend chapter 361 of the Laws of 1852, entitled 'An act to facilitate the dissolution of manufacturing corporations in the county of Herkimer, and to secure the payment of their debts without preference.'"

"An act to amend section 16 of title 3 of chapter 6 of part 1 of the Revised Statutes, entitled 'Of the mode of notifying general and special elections.'"

"An act to amend chapter 30 of the Laws of 1876, entitled 'An act to amend chapter 520 of the Laws of 1870, entitled An act to establish and maintain a police force in the city of Troy, and to increase the powers and duties of the police commissioners of said city.'"

"An act further to amend chapter 692 of the Laws of 1866, entitled 'An act to amend an act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts and for other purposes.'"

"An act further to amend chapter 463 of the Laws of 1860, entitled 'An act to revise the charter of the city of Oswego.'"

Mr. Bixby introduced a bill entitled "An act in relation to the heads of departments in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Bradley introduced a bill entitled "An act to amend chapter 38 of the Laws of 1870, entitled 'An act to provide for the revision of the statutes of the State of New York,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Moore introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the superintendents of the fair grounds of the town of Oswegatchie,' passed April 15, 1871, as amended by chapter 137 of the Laws of 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

Mr. Robertson introduced a bill entitled "An act to authorize the appointment and to provide for the compensation of a stenographer of the Special Term of the Supreme Court, held in the county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to incorporate the New York State Bar Association," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Gerard introduced a bill entitled "An act in relation to a fund or property proceeding from the trustees for the Society of United Christian Friends in the city of New York, a religious corporation, or from the

congregation or society of said corporation," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

Mr. Woodin introduced a bill entitled "An act to amend chapter 465 of the Laws of 1875, entitled 'An act to require the payment of certain premiums to the fire departments of cities and incorporated villages by fire insurance companies not organized under the laws of the State of New York, but doing business therein, passed May 28, 1875,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

The Assembly bill entitled "An act for the relief of certain persons claiming to have acted as clerks and assistant clerks of the district courts in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Lamont	Sayre
Bradley	Gerard	Loomis	Schoonmaker
Carpenter	Hammond	Prince	Wagner
Coleman	Jacobs	Robertson	Wagstaff
Doolittle	Kennaday	St. John	19

## FOR THE NEGATIVE.

Morrissey 1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to amend chapter 440 of the Laws of 1873, entitled 'An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	St. John
Bixby	Emerson	Moore	Sayre
Bradley	Gerard	Morrissey	Selkreg
Carpenter	Harris	Prince	Tobey
Cole	Kennaday	Robertson	Wagner
Coleman	Lamont		22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend section 1 of chapter 638 of the Laws of 1867, entitled 'An act authorizing the New York Society for the relief of the ruptured and crippled to hold real and personal estate,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Schoonmaker
Bixby	Jacobs	Prince	Selkreg
Bradley	Kennaday	Robertson	Sprague
Carpenter	Lamont	St. John	Tobey
Coleman	Loomis	Sayre	Wagner
Doolittle			

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to amend chapter 277 of the Laws of 1870, entitled 'An act to amend an act entitled An act to amend an act entitled An act for the benefit of married women, in insuring the lives of their husbands,' passed April 14, 1858; passed April 18, 1870," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Morrissey	Selkreg
Bixby	Gerard	Prince	Sprague
Bradley	Harris	Robertson	Tobey
Carpenter	Jacobs	St. John	Wagner
Cole	Kennaday	Sayre	Wagstaff
Coleman	Loomis	Schoonmaker	Woodin
Doolittle	Moore		

26

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 559 of the Laws of 1864, entitled 'An act to amend the act entitled An act to provide for the incorporation of villages,' passed December 7, 1847, so far as relates to the village of Corning, in the county of Steuben," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Selkreg
Bixby	Gerard	Prince	Sprague
Bradley	Hammond	Robertson	Tobey
Carpenter	Jacobs	St. John	Wagner
Cole	Kennaday	Sayre	Wagstaff
Coleman	Loomis	Schoonmaker	Woodin

24

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to county treasurers," having been announced for a third reading,

On motion of Mr. Woodin, and by unanimous consent, the rules were suspended and said bill was amended by striking out in section 1, lines 6 and 7 of printed bill, the words "duly organized or incorporated."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Morrissey	Selkreg
Bradley	Harris	Prince	Sprague
Coleman	Lamont	Robertson	Tobey
Emerson	Loomis	Sayre	Wagstaff
Gerard	Moore	Schoonmaker	Wellman
			20

## FOR THE NEGATIVE.

Carpenter	Doolittle	St. John	3
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When the name of Mr. Cole was called, he asked to be excused from voting.

The President put the question whether the Senate would grant said request, and it was decided in the affirmative.

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 641 of the Laws of 1867, entitled 'An act for the relief of the Co-operative Iron Founders' Association of Troy,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE:

Baaden	Doolittle	Loomis	Selkreg
Bixby	Emerson	Moore	Tobey
Bradley	Gerard	Morrissey	Wagner
Carpenter	Hammond	Prince	Wellman
Cole	Harris	Robertson	Woodin
Coleman	Kennaday	Schoonmaker	
			23

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 164 of the Laws of 1875, entitled 'An act for the relief of the grandchildren of Samuel F. Pratt, late of the city of Buffalo, deceased,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	Schoonmaker
Bixby	Emerson	Moore	Selkreg
Bradley	Gerard	Robertson	Sprague
Carpenter	Hammond	St. John	Tobey
Cole	Harris	Sayre	Wagstaff
Coleman	Kennaday		
			22

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 361 of the Laws of 1852, entitled 'An act to facilitate the dissolution of manufacturing corporations in the county of Herkimer and to secure the payment of their debts without preference,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	Sprague
Bradley	Emerson	Moore	Tobey
Carpenter	Hammond	St. John	Wagstaff
Cole	Harris	Sayre	Woodin
Coleman	Lamont		

18

## FOR THE NEGATIVE.

Robertson	Schoonmaker	2
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend section 16 of title 3, of chapter 6 of part 1 of the Revised Statutes, entitled 'Of the mode of notifying general and special elections,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Kennaday	Schoonmaker
Bixby	Gerard	Lamont	Selkreg
Bradley	Hammond	Robertson	Sprague
Carpenter	Harris	St. John	Wagstaff
Coleman	Jacobs	Sayre	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 30 of the Laws of 1876, entitled 'An act to amend chapter 520 of the Laws of 1870, entitled 'An act to establish and maintain a police force in the city of Troy, and to increase the powers and duties of the police commissioners of said city,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Moore	Schoonmaker
Bradley	Gerard	Morrissey	Selkreg
Carpenter	Hammond	Prince	Sprague
Cole	Harris	Robertson	Tobey
Coleman	Kennaday	St. John	Wagner
Doolittle			

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act further to amend chapter 692 of the Laws of 1866, entitled 'An act to amend an act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts and for other purposes,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Morrissey	Selkreg
Bradley	Gerard	Robertson	Sprague
Carpenter	Harris	St. John	Tobey
Cole	Lamont	Sayre	Wagner
Coleman	Loomis	Schoonmaker	Wagstaff
Doolittle	Moore		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act further to amend chapter 463 of the Laws of 1860, entitled 'An act to revise the charter of the city of Oswego,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Prince	Selkreg
Bixby	Emerson	Robertson	Sprague
Bradley	Gerard	St. John	Tobey
Carpenter	Kennaday	Sayre	Wagner
Cole	Loomis	Schoonmaker	Wagstaff
Coleman	Moore		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to regulate the reinsurance of the policy obligations of life insurance companies," having been announced for a third reading,

On motion of Mr. Schoonmaker, and by unanimous consent, the rules were suspended and said bill was amended as follows:

Section 4, line 2, after the word "reinsurance" insert the words "upon the written consent of the Superintendent of the Insurance Department and the Attorney-General." Line 3, same section, strike out the word "other." Line 6, same section, after the word "receiver," insert the words "upon the like consent." Line 9, after the word "that," strike out the balance of the section and insert in lieu thereof the following: "That no contract effecting such reinsurance shall be entered into except in pursuance of an order of the court in which such receiver was appointed directing reinsurance as authorized by this section, and establishing the general form of the contract to effect the same."

Mr. Carpenter moved to recommit said bill to the committee on insurance, with instructions to strike out the second section.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.



Mr. Tobey, from the committee on insurance, to which was recommended the bill entitled "An act to regulate the reinsurance of the policy obligations of life insurance companies," reported the same back amended as instructed.

Mr. Woodin moved to recommit said bill to the committee on insurance.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Gerard moved that the Senate go into executive session at 1.30 o'clock, P. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act in relation to the city of Troy, passed January 28, 1848, as amended by an act to amend an act entitled 'An act in relation to the city of Troy,' passed January 28, 1848, passed April 4, 1849," reported in favor of the passage of the same, with the title amended so as to read "An act to amend chapter 12 of the Laws of 1848, entitled 'An act in relation to the city of Troy, as amended by chapter 210 of the Laws of 1849, entitled 'An act to amend an act entitled 'An act in relation to the city of Troy,' passed January 28, 1848,'" and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend an act passed May 3, 1870, entitled 'An act to amend an act to incorporate the city of Troy, passed April 12, 1816,' and the several acts amendatory thereof, and also to amend other acts relating to the city of Troy, passed March 23, 1872,'" reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 129 of the Laws of 1872, entitled 'An act to amend an act passed May 3, 1870, entitled 'An act to amend an act to incorporate the city of Troy, passed April 12, 1816,' and the several acts amendatory thereof, and also to amend other acts relating to the city of Troy,'" and said bill was committed to the committee of the whole.

Mr. Loomis, from the committee on public printing, to which was referred the resolution to print extra copies of the report of Quarantine Commissioners, reported in favor of the adoption of the following resolution:

*Resolved* (if the Assembly concur), That 500 copies of the annual report of the Commissioners of Quarantine be printed for the use of the board, provided that the cost of printing thereof shall not exceed ten cents per page per 100 copies.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Baden	Emerson	Moore	Schoonmaker
Bixby	Harris	Morrissey	Selkreg
Carpenter	Jacobs	Prince	Tobey
Cole	Kennaday	Robertson	Wagner
Coleman	Lamont	Sayre	Wagstaff
Doolittle	Loomis		

22

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Loomis, from the committee on public printing, to which was referred the resolution to print extra copies of the annual report of the

Superintendent of Onondaga Salt Springs, reported in favor of the adoption of the following resolution:

*Resolved* (if the Senate concur), That there be printed 500 extra copies of the annual report of the Superintendent of the Onondaga Salt Springs for the use of the superintendent, provided that the cost thereof shall not exceed ten cents per page per one hundred copies.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Loomis	St. John
Bradley	Hammond	Moore	Sayre
Carpenter	Harris	Morrissey	Selkreg
Cole	Kennaday	Prince	Wagner
Coleman	Lamont	Robertson	Wagstaff
Emerson			

21

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Loomis, from the committee on public printing, to which was referred the resolution to print extra copies of the Adjutant-General's report, reported in favor of the adoption of the following resolution:

*Resolved* (if the Senate concur), That 1,000 copies of the Adjutant-General's report be printed for the use of the Adjutant-General's department, provided that the cost of printing thereof shall not exceed ten cents per page per one hundred copies.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bixby	Harris	Moore	Schoonmaker
Carpenter	Jacobs	Morrissey	Selkreg
Cole	Kennaday	Prince	Wagner
Coleman	Lamont	Robertson	Wagstaff
Doolittle	Loomis	St. John	Woodin
Gerard			

21

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Woodin called from the table the Assembly concurrent resolution in the words following:

*Resolved* (if the Senate concur), That this House will adjourn on Wednesday, the 21st inst., at 12, noon, until Tuesday, the 28th inst., at 11 o'clock.

On motion of Mr. Woodin, and by unanimous consent, said resolution was amended by striking out the words "this House" and inserting in lieu thereof the words "the Legislature."

The President put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly with a message informing that the Senate have concurred in the passage of the same, with an amendment.

Mr. Gerard introduced a bill entitled "An act to authorize and empower the New York Protestant Episcopal Public School to mortgage such parts of its real estate in the Nineteenth ward of the city of New York, as it was

authorized to sell in fee simple by chapter 714 of the Laws of 1873," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

Mr. Wagstaff introduced a bill entitled "An act to prevent the making and publication of false or deceptive statements in relation to the business of fire insurance," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, on the bills entitled as follows:

"An act in relation to the duties of assessors and commissioners of taxes."

"An act for the preservation of the public peace, the protection of private property, and the maintenance of law and good order in the town of Greenburgh, in the county of Westchester."

After some time spent therein, the President resumed the chair, and Mr. Carpenter, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Carpenter, from said committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

The hour of one o'clock and thirty minutes having arrived, the Senate then went into executive session, and after some time spent therein, the doors were opened, and the Senate resumed legislative business.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bill entitled as follows:

"An act to authorize the treasurer of Monroe county to sell property for unpaid taxes."

After some time spent therein, the President resumed the chair, and Mr. Carpenter, from said committee, reported in favor of the passage of the said named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Gerard introduced a bill entitled "An act amendatory of an act entitled 'An act changing the name of the Beach Pneumatic Transit Company to the Broadway Underground Railway Company, and extending its powers,' passed May 20, 1874," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Kennaday moved that when the Senate adjourn to-day it adjourn to meet to-morrow at 10 o'clock, A. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bill entitled as follows:

"An act to release to certain charitable institutions the interest of the people of the State of New York, in certain personal property formerly of James Kelly, of the city of New York, deceased."

After some time spent therein, the President resumed the chair, and Mr. Moore, from said committee, reported in favor of the passage of the said named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

On motion of Mr. Cole, the Senate adjourned.

## WEDNESDAY, FEBRUARY 21, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Bradley presented two petitions of citizens of the State relative to time sentences in case of prisoners sentenced to the New York State reformatory at Elmira; which were read and referred to the committee on State prisons.

Mr. McCarthy presented three petitions of citizens of State of New York praying for passage of an act securing to women the right to hold school offices; which were read and laid upon the table.

Mr. Moore presented a petition of citizens of the village of Potsdam asking for the reduction of the compensation allowed to members of the Legislature; which was read and committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act amending and revising and consolidating the several acts in relation to the village of Greenbush, passed March 22, 1854, and April 29, 1863,' passed April 25, 1871," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 683 of the Laws of 1871, entitled 'An act amending, revising and consolidating the several acts in relation to the village of Greenbush,' passed March 22, 1854, and April 29, 1863," and said bill was committed to the committee of the whole.

Mr. Moore, from the committee on agriculture, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Superintendents of the Fair Grounds of the town of Oswegatchie,' passed April 15, 1871, as amended by chapter 137 of the Laws of 1872," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to legalize the proceedings of the annual town meeting of the town of Westchester, in the county of Westchester, in relation to the purchase of fire apparatus, and to provide for carrying the same into effect," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to incorporate the New York State Bar Association," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act relative to evidence," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to enable the commissioners of the

almshouse of the city of Kingston to borrow a sum not exceeding the thousand dollars and to provide for the payment thereof," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the appointment and provide for the compensation of a stenographer of the Special Term of the Supreme Court held in the county of Westchester," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Bradley introduced a bill entitled "An act to amend chapter 460 of the Laws of 1837, entitled 'An act concerning the proof of wills, executors and administrators, guardians and wards, and surrogates' courts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Prince introduced a bill entitled "An act in relation to the powers and duties of the State Commissioner in Lunacy," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Morrissey introduced a bill entitled "An act relating to the payment of assessments and the interest thereon upon real estate in the city and county of New York, and for the relief of the owners thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Hammond introduced a bill entitled "An act to authorize the appointment of an additional assistant physician for the Willard Asylum for the Insane," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

Mr. Wagstaff introduced a bill entitled "An act to regulate the weights and balances used in compounding and dispensing drugs and medicines in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

Mr. Bixby introduced a bill entitled "An act to provide for determining the amount to be paid by the city of New York for certain property, water and water rights and privileges taken or used to increase the supply of pure and wholesome water for said city, and to provide for the payment of the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Wagstaff introduced a bill entitled "An act to incorporate the Greenwood Lake Sportman's Club," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

Mr. Jacobs introduced a bill entitled "An act to authorize the county of Kings to raise moneys to continue relief supplies to the out-door poor," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Jacobs, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	Jacobs	Robertson
Bradley	Emerson	Kennsday	St. John
Carpenter	Gerard	Lamont	Sayre
Cole	Hammond	McCarthy	Selkreg
Coleman	Harris	Morrissey	Wagstaff

20

On motion of Mr. Jacobs, and by unanimous consent, the rules were suspended, and the Clerk was ordered to deliver said bill to the Assembly immediately, and request their concurrence therein.

Mr. Lamont introduced a bill entitled "An act to authorize the county clerk of the county of Chenango to certify defective records, and enter certain orders and judgments omitted to be entered by his predecessors in office," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

On motion of Mr. Carpenter, and by unanimous consent, the committee of the whole was discharged from the further consideration of the bill entitled "An act to amend chapter 497 of the Laws of 1874, entitled 'An act to amend the charter of the city of Poughkeepsie, and to consolidate with it other acts relating to said city,'" and the same was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Loomis	St. John
Bradley	Gerard	McCarthy	Schoonmaker
Carpenter	Hammond	Moore	Selkreg
Cole	Harris	Morrissey	Wagstaff
Coleman	Lamont	Robertson	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

Mr. Lamont moved that the committee of the whole be discharged from the further consideration of Assembly bill entitled "An act to amend chapter 171 of the Laws of 1857, entitled 'An act to revise, amend and consolidate the laws in relation to the village of Norwich, in the county of Chenango,' passed March 23, 1857, and other acts amendatory thereof," and that the same do now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

On motion of Mr. Lamont, and by unanimous consent, said bill was amended as follows:

Section 1, line 1, strike out the words "said act," and insert in lieu thereof, "chapter 171 of the Laws of 1857, entitled 'An act to revise, amend and consolidate the laws in relation to the village of Norwich, in the county of Chenango.'"

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	St. John
Bixby	Gerard	Moore	Sayre
Bradley	Harris	Morrissey	Schoonmaker
Carpenter	Kennaday	Prince	Selkreg
Coleman	Lamont	Robertson	Wagstaff
Doolittle	Loomis		

22

On motion of Mr. Lamont, and by unanimous consent, the rules were suspended, and the Clerk was ordered to return said bill to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills and concurrent resolution, entitled as follows:

"An act for the preservation of the public peace, the protection of private property and the maintenance of law and good order in the town of Greenburgh, in the county of Westchester."

"An act to release to certain charitable institutions the interest of the people of the State of New York, in certain personal property formerly of James Kelly of the city of New York, deceased."

"Concurrent resolution proposing an amendment to article 6 of the Constitution, by the addition of a new section, to be called section 29."

"An act to authorize the county of Kings to raise moneys to continue relief supplies to the out-door poor."

The bill entitled "An act to release to certain charitable institutions the interest of the people of the State of New York, in certain personal property formerly of James Kelly of the city of New York, deceased," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Lamont	St. John
Bradley	Gerard	McCarthy	Schoonmaker
Carpenter	Hammond	Moore	Selkreg
Cole	Harris	Morrissey	Wagstaff
Coleman	Jacobs	Prince	Woodin
Doolittle	Kennaday	Robertson	

23

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

Mr. Selkreg moved that Assembly bill entitled "An act to amend chapter 555 of the Laws of 1864, entitled 'An act to revise and consolidate the general acts relating to public instruction,'" be considered in first committee of the whole not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act in relation to the duties of assessors and commissioners of taxes."

"An act further to amend section 7 of chapter 633 of the Laws of 1866, entitled 'An act in relation to the benevolent fund of the late volunteer fire department in the city of New York.'"

Assembly, "An act to amend chapter 555 of the Laws of 1864, entitled 'An act to revise and consolidate the general acts relating to public instruction.'"

After some time spent therein, the President resumed the chair, and Mr. St. John, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. St. John, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. St. John, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Bixby presented a communication from the Superintendent of the Insurance Department, in response to a resolution of the Senate, relative to the management of insurance companies in this State; which was laid upon the table and ordered printed.

(See Doc. No. 34.)

The President presented a communication from the Auditor of the Canal Department, in relation to a proposed amendment of the law authorizing the Canal Board to take testimony and subpoena witnesses in certain cases; which was read and referred to the committee on canals.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to regulate the execution and transfer of negotiable instruments given for patent rights."

"An act further to amend chapter 167 of the Laws of 1860, entitled 'An act in relation to preferred causes in the Supreme Court and Court of Appeals.'"

After some time spent therein the President resumed the chair, and Mr. Lamont, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Lamont, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

By unanimous consent, Mr. Morrissey asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the New York Real Estate Exchange,' passed May 9, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

On motion of Mr. Woodin, the Senate adjourned.



## TUESDAY, FEBRUARY 27, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of Wednesday, February 21, was read and approved.

Mr. Sayre presented a petition for the use of the berme bank of the canal for railroad purposes, from Utica to Ilion; which was read and referred to the committee on canals.

Mr. Loomis presented petitions upon the same subject.

Mr. Coleman presented a remonstrance upon the same subject.

Mr. Bradley presented six petitions for substituting the reformatory for time sentences in cases of prisoners sentenced to the Elmira reformatory; which were read and referred to the committee on State prisons.

Mr. Robertson presented a petition of Edward Kennedy and others, for the release of the interest of the State of New York in certain real estate in the city of New York; which was read and referred to the committee on the judiciary.

Mr. McCarthy presented a petition of citizens of the town of Onondaga, asking for the repeal of the law creating a board of town audit; which was read and referred to the committee on internal affairs.

Messrs. Woodin, Wellman and Emerson presented petitions of the bar of the counties of Wayne, Monroe and Allegany, respectively, for the repeal of the "Code of Remedial Justice;" which were read and referred to the committee on the judiciary.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 49 of the Laws of 1876, entitled 'An act in relation to the equalization of assessments under chapter 312 of the Laws of 1859, and the amendments thereto,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to the property and families of absconding persons," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to provide for the correction and equalization of taxes and assessments," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to provide for the review and correction of illegal, erroneous and unequal assessments," and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act securing to the village of Athens the same ownership and possession of the ferry between the village of Athens and the city of Hudson, as was heretofore owned and possessed by the trustees of the village of Athens, and also giving to the trustees of the village of Athens the exclusive right to establish and lease the

ferries from the said village to the eastern shore of the river, and for the prevention of obstructions to the entrance to the ferry slip," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act in relation to the franchises and powers of the village of Athens," and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act for the incorporation of villages, passed April 20, 1870,' passed May 15, 1875," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 339 of the Laws of 1875, entitled 'An act to amend an act entitled An act for the incorporation of villages, passed April 20, 1870,'" and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act further to amend section 7 of chapter 633 of the Laws of 1866, entitled 'An act in relation to the benevolent fund of the late volunteer fire department in the city of New York.'"

"An act further to amend chapter 167 of the Laws of 1860, entitled 'An act in relation to preferred causes in the Supreme Court and Court of Appeals.'"

Mr. Wagstaff presented the ninth annual report of the Commissioners of Fisheries of the State of New York; which was laid upon the table and ordered printed.

(*See Doc. No. 35.*)

Mr. Sayre introduced a bill entitled "An act to repeal the Code of Remedial Justice," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Moore introduced a bill entitled "An act to authorize the Ogdensburgh and Lake Champlain Railroad Company to issue preferred stock," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Morrissey introduced a bill entitled "An act abolishing the board of commissioners of excise in the city and county of New York, and transferring their duties to the board of police commissioners;" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Baaden introduced a bill entitled "An act empowering the receiver of taxes of the city of New York to act as an attorney for the collection of personal taxes and providing for the appointment of a marshal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Bixby introduced a bill entitled "An act to amend an act entitled 'An act in relation to arrears of taxes in the city of New York and to provide for the reissuing of revenue bonds in anticipation of such taxes,' passed May 15, 1876," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Robertson introduced a bill entitled "An act to release to Edward Kennedy and others the right, title and interest of the people of the State of New York to certain real estate in the city of New York,"

which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Emerson introduced a bill entitled "An act to provide for the appointment of an additional number of notaries public," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Wagstaff introduced a bill entitled "An act for making to the New York Infirmary for Women and Children the same allowances and payments for the care and maintenance of lying-in and nursing women as are now provided by law for the New York Infant Asylum," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

Also, a bill entitled "An act to amend an act entitled 'An act relative to railroads in the city of New York,' passed January 30, 1860," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Hammond introduced a bill entitled "An act to increase the number of firemen in the village of Canandaigua," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Starbuck introduced a bill entitled "An act to provide for the appointment of policemen on the application of one or more banking corporations, in the employ of such corporations," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Also, a bill entitled "An act to amend an act entitled 'An act to amend the charter of the village of Carthage, Jefferson county,' passed May 6, 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

The bill entitled "An act further to amend chapter 167 of the Laws of 1860, entitled 'An act in relation to preferred causes in the Supreme Court and Court of Appeals,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Harris	Morrissey	Starbuck
Bixby	Kennaday	Robertson	Tobey
Carpenter	Loomis	St. John	Wagner
Coleman	McCarthy	Sayre	Wagstaff
Emerson	Moore	Schoonmaker	Wellman
Gerard			

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend chapter 555 of the Laws of 1864, entitled 'An act to revise and consolidate the general acts relating to public instruction,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Sayre
Bixby	Gerard	Moore	Schoonmaker
Bradley	Hammond	Morrissey	Sprague
Carpenter	Kennaday	Robertson	Wagner
Coleman	Loomis	St. John	Wellman

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Bradley moved to take from the table the bill entitled "An act to define and punish embezzlement by executors, administrators, guardians and trustees."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bradley moved that said bill be recommitted to the committee on the judiciary, with instructions to amend the same by striking out the word "fraudulently."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Robertson, from the committee on the judiciary, to which was recommitted the bill entitled "An act to define and punish embezzlement by executors, administrators, guardians and trustees," reported that the committee have made the amendments thereto as instructed, and directed their chairman to report the same to the Senate.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Kennaday	Robertson	Sprague
Bradley	Lamont	St. John	Wagner
Coleman	Loomis	Sayre	Wagstaff
Gerard	McCarthy	Schoonmaker	Wellman
Hammond	Moore	Selkreg	Woodin
Harris	Prince		

22

## FOR THE NEGATIVE.

Starbuck

1

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act to authorize the election of women to school offices," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Carpenter	Emerson	McCarthy	Sprague
Cole	Gerard	Prince	Wagstaff
Coleman	Kennaday	Schoonmaker	Wellman
Doolittle	Lamont	Selkreg	Woodin

16

## FOR THE NEGATIVE.

Bixby	Harris	Morrissey	Sayre	
Bradley	Loomis	Robertson	Starbuck	
Hammond	Moore	St. John	Wagner	12

When the name of Mr. Bixby was called, he asked to be excused from voting.

The President put the question whether the Senate would grant said request, and it was decided in the negative.

Mr. Bixby subsequently voted in the negative.

Mr. Emerson moved to reconsider the vote by which said bill was lost, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. McCarthy moved that the bill entitled "An act to provide for the collection of unpaid city taxes in the city of Syracuse," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Schoonmaker moved that the bill entitled "An act to enable the commissioners of the alms-house of the city of Kingston to borrow a sum not exceeding ten thousand dollars, and to provide for the payment thereof," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Wagstaff offered the following:

*Resolved*, That 1,000 copies of the ninth annual report of the Commissioners of Fisheries of the State of New York be printed for the use of said commissioners.

*Ordered*, That said resolution be referred to the committee on public printing.

The Senate then resolved itself into a committee of the whole and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to enable the commissioners of the alms-house of the city of Kingston to borrow a sum not exceeding ten thousand dollars, and to provide for the payment thereof."

Assembly, "An act to amend chapter 104 of the Laws of 1864, entitled 'An act to amend an act entitled An act in relation to the Syracuse City Water-works Company,' passed April 5, 1849."

"An act to provide for the collection of unpaid city taxes in the city of Syracuse."

After some time spent therein, the President resumed the chair, and Mr. Coleman, from said committee, reported in favor of the passage of the first and last named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Coleman, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act in relation to the powers of corporations."

"An act to amend chapter 371 of the Laws of 1875, entitled 'An act to conform the charters of all savings banks, or institutions for savings, to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs.'"

Assembly, "An act entitled an act to amend section 3 of chapter 767 of the Laws of 1872, entitled 'An act to establish the compensation of county judges and surrogates pursuant to the fifteenth section of the amended sixth article of the Constitution,' passed May 17, 1872."

After some time spent therein, the President resumed the chair, and Mr. Doolittle, from said committee, reported progress on the first and second named bills, and asked and obtained leave to sit again.

Mr. Doolittle, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Tobey, from the committee on insurance, to which was re-committed the bill entitled "An act to regulate the reinsurance of the policy obligations of life insurance companies," reported in favor of the passage of the same, with amendments, and said bill was ordered to a third reading.

By unanimous consent, Mr. Prince offered the following:

*Resolved*, That the State Commissioner in Lunacy be requested to investigate the cause of the suspension, by the trustees of the State Homœopathic Lunatic Asylum at Middletown, of Henry R. Stiles, M. D., late medical superintendent of said asylum, and report the same, with his opinion thereon, to the Legislature within thirty days.

Debate ensuing,

Mr. Prince moved that said resolution be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend section 29 of article 3, chapter 6, title 6, of part 1 of the Revised Statutes, relating to the compensation of electors of President and Vice-President of the United States."

"An act to remove business disabilities from married women."

After some time spent therein, the President resumed the chair, and Mr. Emerson, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Emerson, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Woodin moved that the following entitled bills be considered in the first committee of the whole:

"An act relating to the office of register of deeds in the city and county of New York."

"An act relating to the office of the clerk of the city and county of New York."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and

proceeded to the consideration of general orders, being the bills entitled as follows:

"An act relating to the office of the clerk of the city and county of New York."

"An act relating to the office of register of deeds in the city and county of New York."

After some time spent therein, the President resumed the chair, and Mr. Moore, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Moore, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

The Assembly returned the following entitled Assembly bill, with a message that they had concurred in the amendments of the Senate thereto.

"An act to amend chapter 171 of the Laws of 1857, entitled 'An act to revise, amend and consolidate the the Laws in relation to the village of Norwich, in the county of Chenango,' passed March 23, 1857, and other acts amendatory thereof."

*Ordered*, That the Clerk return said bill to the Assembly.

On motion of Mr. Sayre, the Senate adjourned.

## WEDNESDAY, FEBRUARY 28, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Robertson presented resolutions of the common council of the city of Yonkers relative to closing part of old Main street in Yonkers; which were read and referred to the committee on the judiciary.

Mr. Schoonmaker presented a remonstrance of the citizens of the city of Kingston against the passage of any act increasing the bonded indebtedness of said city; which was read and referred to the committee on the affairs of cities.

Mr. Bradley presented a petition in favor of substituting the reformatory for time sentences in cases of prisoners sentenced to the Elmira reformatory; which was read and referred to the committee on State prisons.

Mr. Loomis presented a remonstrance of property owners and business men of the village of Frankfort against using the berme bank of the Erie canal for railroad purposes; which was read and referred to the committee on canals.

Mr. Woodin presented a petition of members of the bar of Wayne county for the repeal of the Code of Remedial Justice; which was read and referred to the committee on the judiciary.

Mr. Bradley presented a petition of citizens and taxpayers of the town of Corning for the repeal of certain sections of the act for the relief of the Corning library; which was read and referred to the committee on literature.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to increase the number of firemen

in the village of Canandaigua," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend the charter of the village of Carthage, Jefferson county,' passed May 6, 1872," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 564 of the Laws of 1872, entitled 'An act to amend the charter of the village of Carthage, Jefferson county,'" and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to the powers and duties of the State Commissioner in Lunacy," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to release to Edward Kennedy and others the right, title and interest of the people of the State of New York to certain real estate in the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the police department or board of police of any city to appoint policemen of district telegraph companies," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Selkreg, from the committee on railroads, to which was referred the bill entitled "An act to authorize the Utica and Black River Railroad Company to charge and collect a uniform rate of fare for passengers on the roads operated by said company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act relating to the office of register of deeds in the city and county of New York."

"An act to enable the commissioners of the alms-house of the city of Kingston to borrow a sum not exceeding \$10,000, and to provide for the payment thereof."

"An act to regulate the reinsurance policy obligations of life insurance companies."

"An act to provide for the collection of unpaid city taxes in the city of Syracuse."

Mr. Selkreg introduced a bill entitled "An act to confirm the title of certain persons to real estate questioned by reason of alienage of former owners," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Morrissey introduced a bill entitled "An act relating to the local government of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Baaden introduced a bill entitled "An act for the retiring of policemen and firemen in the city and county of New York, and to pro-



vide employment for such retired policemen and firemen in certain positions in the courts and public departments of said city and county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Robertson introduced a bill entitled "An act to remit and cancel certain awards for closing part of Main street, in the city of Yonkers, and to authorize the common council of the city of Yonkers to close and discontinue certain parts of Main street, in said city, without payment of awards heretofore made for the discontinuance of the public use of the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Bixby introduced a bill entitled "An act to amend an act entitled 'An act in relation to elections in the city and county of New York, and to provide for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage thereat,' passed May 14, 1872, being chapter 675 of the Laws of 1872, and the act or acts amendatory thereof or supplementary thereto," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Bradley introduced a bill entitled "An act to repeal sections, 3, 4, 5, 6 and 8 of chapter 392 of the Laws of 1873, entitled 'An act for the relief of the Corning Library,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

Mr. Wagstaff introduced a bill entitled "An act in relation to the arrears of taxes in the city of New York, and to provide for the reissuing of revenue bonds in anticipation of such taxes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to provide for the appointment and compensation of the medical superintendents and assistant physicians of certain county and city asylums, and to prescribe their duties," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

The bill entitled "An act relating to the office of register of deeds in the city and county of New York," having been announced for a third reading,

Mr. Bradley moved that said bill be recommitted to the committee on the affairs of cities, with instructions to amend as follows:

Add at the end of section 6 the following:

"And shall not exceed in the aggregate the amount received by the chamberlain, under the first section of this act."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Bradley	Harris	Morrissey	Starbuck	
Gerard	Loomis	St. John	Wagstaff	
Hammond	McCarthy	Schoonmaker		11

#### FOR THE NEGATIVE.

Bixby	Kennaday	Sayre	Wagner	
Coleman	Moore	Selkreg	Woodin	
Doolittle	Prince	Sprague	Wellman	
Emerson	Robertson	Vedder		15

On motion of Mr. Sprague, and by unanimous consent, said bill was amended as follows:

Insert after the words "of said," line 5, section 5 of printed bill, the word "register." Same section, line 7, strike out the words "thirty-five," and insert the words "forty-three."

Add at end of section 5 the following:

"Nor shall they exceed the legal fees, perquisites or emoluments charged and paid as mentioned in the first section of this act, during said year."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Hammond	Prince	Vedder
Bradley	Harris	Robertson	Wagner
Coleman	Kennaday	Sayre	Wagstaff
Doolittle	Loomis	Selkreg	Wellman
Emerson	McCarthy	Sprague	Woodin
Gerard	Moore		

22

#### FOR THE NEGATIVE.

Morrissey	Schoonmaker	Starbuck	3
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*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

Mr. Woodin moved that the committee on the affairs of cities be discharged from the further consideration of the bill entitled "An act to amend an act entitled 'An act relative to railroads in the city of New York,' passed January 30, 1860," and that the same be referred to the committee on railroads.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Tobey, from the committee on insurance, to which was referred the bill entitled "An act in relation to the name of insurance companies," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Tobey, from the committee on insurance, to which was referred the bill entitled "An act to amend chapter 465 of the Laws of 1875, entitled 'An act to regulate the payment of certain premiums to the fire departments of cities and incorporated villages by fire insurance companies not organized under the laws of the State of New York, but doing business therein,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The concurrent resolution in the words following:

*Resolved* (if the Assembly concur), that article 6 of the Constitution be amended by adding thereto the following section:

§ 29. On the 1st day of January, 1879, the Court of Common Pleas for the city and county of New York, and the Superior Court of the city of New York, shall cease to exist; and all the jurisdiction of said courts shall vest in, and all the judges of said courts, then in office, shall become justices of the Supreme Court; and the judicial power in civ

and criminal cases, and any judicial power as a county judge and other special authority and jurisdiction, now vested in any or either of said courts, shall vest in the justices of the Supreme Court for the first department, subject to such provision as may be made by law, for the exercise thereof; and thereupon, the judges so transferred, shall hold their places for the remainder of the respective terms for which they shall have been chosen or appointed; and suits, actions, appeals, motions and proceedings then pending in the courts so abolished, or before a judge or justice thereof, shall be and become immediately transferred to the Supreme Court, for the first department, without prejudice to any undertaking, bond, pleading, deposition or other entry or proceeding previously had therein; and thereafter there shall be seventeen justices of the Supreme Court for the first department (which shall consist of the city and county of New York), chosen or appointed as provided by the Constitution of this State. The salaries of all said justices, except five, shall be provided for and paid by the city of New York; and the Legislature shall have power to fix and equalize the salaries of all of said justices. The Legislature may, by law, provide for organizing an additional General Term, in the first department of the Supreme Court, to be composed of a presiding justice and not more than three other justices.

*Resolved* (if the Assembly concur), that the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that in conformity to section 1 of article 13 of the Constitution, it be published for three months previous to the time of such election," having been announced for a third reading,

Mr. Kennaday moved that the said resolution be recommitted to the committee on the judiciary, with instructions to report the same within ten days, retaining its place in the order of third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said resolution was then read a third time.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Gerard	Prince	Tobey
Bixby	Harris	Robertson	Vedder
Bradley	Kennaday	St. John	Wagner
Carpenter	Loomis	Schoonmaker	Wagstaff
Coleman	McCarthy	Selkreg	Wellman
Doolittle	Moore	Sprague	Woodin
Emerson	Morrissey	Starbuck	

27

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

The bill entitled "An act to regulate the reinsurance of the policy obligations of life insurance companies," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Harris	Prince	Tobey
Bixby	Kennaday	Robertson	Vedder

Bradley	Loomis	Selkreg	Wagner
Carpenter	McCarthy	Sprague	Wagstaff
Doolittle	Moore	Starbuck	Wellman
Gerard			

21

## FOR THE NEGATIVE.

Schoonmaker 1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Loomis moved that the Senate go into executive session at five minutes before two o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to authorize the city of Utica to borrow money for the purpose of erecting a police station-house and lock-up therein, and to make necessary repairs to the city hall building," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Selkreg
Bradley	Hammond	Robertson	Sprague
Carpenter	Harris	St. John	Starbuck
Coleman	Kennaday	Sayre	Tobey
Doolittle	Loomis	Schoonmaker	Wellman
Emerson			

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to enable the commissioners of the almshouse of the city of Kingston to borrow a sum not exceeding \$10,000, and to provide for the payment thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Kennaday	St. John	Starbuck
Carpenter	Loomis	Sayre	Tobey
Coleman	McCarthy	Schoonmaker	Wagner
Doolittle	Moore	Selkreg	Wagstaff
Emerson	Prince	Sprague	Wellman
Gerard	Robertson		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend section 29 of article 3, chapter 6, title 6, of part 1 of the Revised Statutes, relating to the compensation of electors of President and Vice-President of the United States," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority

of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Harris	St. John	Starbuck
Carpenter	Kennaday	Sayre	Tobey
Coleman	Loomis	Schoonmaker	Vedder
Doolittle	McCarthy	Selkreg	Wagner
Emerson	Robertson	Sprague	Wellman
Gerard			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to provide for the collection of unpaid taxes in the city of Syracuse," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Harris	Prince	Starbuck
Carpenter	Kennaday	Robertson	Tobey
Coleman	Loomis	St. John	Wagner
Doolittle	McCarthy	Sayre	Wagstaff
Emerson	Moore	Selkreg	Wellman
Gerard			

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend chapter 104 of the Laws of 1864, entitled 'An act to amend an act entitled An act in relation to the Syracuse City Water-works Company,' passed April 5, 1849," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Harris	Robertson	Sprague
Bradley	Kennaday	St. John	Starbuck
Carpenter	Loomis	Sayre	Vedder
Doolittle	McCarthy	Schoonmaker	Wagner
Emerson	Moore	Selkreg	Wellman
Gerard			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act entitled an act to amend section 3 of chapter 787 of the Laws of 1872, entitled 'An act to establish the compensation of county judges and surrogates pursuant to the fifteenth section of the amended sixth article of the Constitution,'" passed May 17, 1872," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Harris	St. John	Starbuck
Carpenter	Kennaday	Sayre	Tobey
Coleman	Loomis	Schoonmaker	Wagner
Doolittle	McCarthy	Selkreg	Wagstaff
Emerson	Moore	Sprague	Wellman
Gerard	Robertson		

22

## FOR THE NEGATIVE.

Hammond 1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Senate then went into executive session, and after some time spent therein the doors were opened, and:

On motion of Mr. Wagstaff, the Senate adjourned.

## THURSDAY, MARCH 1, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Prince presented a memorial of the Queens County Bar Association, in favor of the Code of Remedial Justice; which was read and referred to the committee on the judiciary.

Mr. McCarthy presented a petition of citizens of the town of Liverpool, for low tolls and economy in the management of the canals; which was read and referred to the committee on canals.

Also, a petition of citizens of Marcellus, Onondaga county, for repeal of the law creating board of town audit; which was read and referred to the committee on internal affairs.

Mr. Starbuck presented a petition of citizens of Brownsville, Hornersfield and Lyne, to exempt the waters of Lake Ontario and bays and rivers in Jefferson county from the effect of chapter 721, Laws of 1871; which was read and referred to the committee on internal affairs.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act in relation to the estimate and apportionment for the board of education of the city of New York," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act in relation to the estimate and apportionment for the board of education of the city of New York, and to amend chapter 308 of the Laws of 1874," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to confirm the title of certain person

to real estate questioned by reason of alienage of former owners," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Cole, from the committee on canals, to which was referred the Assembly bill entitled "An act to authorize a tax of one-third of a mill per dollar of valuation to provide for a deficiency in the sinking fund, under section 3 of article 7 of the Constitution," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Prince, from the committee on commerce and navigation, to which was referred the bill entitled "An act further to amend chapter 569 of the Laws of 1870, entitled 'An act to authorize the sale of lands belonging to and occupied by the Seamens' Retreat on Staten Island,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Prince, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act in relation to running ferry boats by the Union Ferry Company of Brooklyn, across the East river," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act to authorize the appointment of an additional assistant physician for the 'Willard Asylum for the Insane,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act to authorize the payment of certain moneys out of the State treasury to the heirs-at-law of James Green, deceased," reported adversely thereto, which report was agreed to, and said bill rejected.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the passage of the same.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to authorize the board of supervisors of the county of Columbia to provide for the payment of the principal of a portion of the bounty debt of said county, by issuing new bonds," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson introduced a bill entitled "An act in relation to the change of grades of streets and avenues in the Twenty-third and Twenty-fourth wards of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Bradley introduced a bill entitled "An act to amend the Code of Procedure," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Bixby introduced a bill entitled "An act to amend chapter 448 of the Laws of 1876, entitled 'An act relating to courts, officers of justice and civil proceedings, passed June 2, 1876,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Harris introduced a bill entitled "An act to amend an act entitled

'An act in reference to the Young Men's Association, for mutual improvement in the city of Albany,' passed April 24, 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Gerard introduced a bill entitled "An act for the mortgaging and sale of lands belonging to the estate of Jesse Brum, deceased," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Schoonmaker introduced a bill entitled "An act to establish the compensation of the several officers, keepers, guards, matrons and teachers of the Sing Sing, Auburn and Clinton prisons," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

Mr. Starbuck introduced a bill entitled "An act to exempt the international waters of Lake Ontario, and the bays and rivers connected therewith in Jefferson county, from the operation of the act passed April 26, 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Sprague introduced a bill entitled "An act further to amend chapter 519 of the Laws of 1870, entitled 'An act to revise the charter of the city of Buffalo,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. McCarthy, from the committee on literature, to which was referred the bill entitled "An act to empower the board of education of the educational district of Seneca Falls, to appoint an assessor for such district," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The bill entitled "An act to amend chapter 554 of the Laws of 1873, entitled 'An act amending chapter 837 of the Laws of 1868, and chapter 623, Laws of 1869, in reference to the laying out, opening and continuing of Bushwick avenue, in the town of New Lots, Kings county,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Selkreg
Bixby	Gerard	Morrissey	Sprague
Bradley	Harris	Robertson	Starbuck
Carpenter	Jacobs	St. John	Vedder
Coleman	Kennaday	Sayre	Wagner
Doolittle	Loomis	Schoonmaker	Wagstaff

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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:



"An act to amend the Revised Statutes relating to the assessment and collection of taxes."

"An act in relation to the duties of assessors and commissioners of taxes."

"An act relating to Gowanda union free school district, composed of a part of the town of Collins, in Erie county, and parts of the towns of Persia and Perrysburgh in Cattaraugus county."

After some time spent therein, the President resumed the chair, and Mr. Bradley, from said committee, reported progress on the first and second named bills, and asked and obtained leave to sit again.

Mr. Bradley, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

By unanimous consent, Mr. Tobey, from the committee on insurance, to which was referred the Assembly bill entitled "An act to amend the charter of the Watertown Fire Insurance Company, organized under the general act to incorporate fire insurance companies, December 7, 1867," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin moved that the bill entitled "An act to provide for the review and correction of illegal, erroneous and unequal assessments" be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bill entitled as follows:

"An act to provide for the payment of bonds issued by municipal corporations under the provisions of chapter 907, Laws of 1889, and the acts amendatory thereof."

"An act to provide for the review and correction of illegal, erroneous and unequal assessments."

"An act in relation to the powers of corporations."

After some time spent therein the President resumed the chair, and Mr. Sayre, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Sayre, from the same committee, reported progress on the second and last named bills, and asked and obtained leave to sit again.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act to amend chapter 125 of the Laws of 1874, entitled 'An act to provide for the establishment of a system of graded schools in the village of Ithaca.'"

"An act to authorize the county of Kings to raise moneys to continue relief supplies to the out-door poor."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the resolution requesting his excellency to return the bill entitled "An act to authorize the county of Kings to raise moneys to continue relief supplies to the out-door poor," with a message that they had concurred therein.

*Ordered*, That the Clerk deliver said resolution to the Governor.

Mr. Wellman presented a list of names of petitioners in favor of the

passage of Senate bill No. 97, entitled "An act in relation to the imprisonment of convicts in the New York State reformatory at Elmira, and the government and release of such convicts by the managers;" which was laid on the table and ordered printed.

(See Doc. No. 37.)

Mr. Jacobs offered the following:

*Resolved* (if the Assembly concur), That a respectful message be sent to his excellency, the Governor, requesting the return of Senate bill entitled "An act to authorize the county of Kings to raise moneys to continue relief supplies to the out-door poor," for the purpose of amendment.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

On motion of Mr. Jacobs, and by unanimous consent, the rules were suspended, and the Clerk was ordered to deliver said resolution to the Assembly immediately, and request their concurrence therein.

On motion of Mr. Cole, the Senate adjourned.

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## FRIDAY, MARCH 2, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Sprague presented a petition of Lincoln Birthday Association, for a law declaring the 12th of February, known as Lincoln's birthday, a legal holiday; which was read and referred to the committee on the judiciary.

Mr. Wellman presented a petition of citizens of Allegany county, for the relief of the widow of Rev. J. B. Sharpe; which was read and referred to the committee on finance.

Mr. Sprague presented a statement of facts, relative to claim of Maria Matilda Thompson; which was read and referred to the committee on canals.

Mr. Bradley presented three petitions for a bill substituting reformatory for time sentences in cases of prisoners sentenced to the State reformatory at Elmira; which was read and referred to the committee on State prisons.

Mr. Loomis presented a remonstrance against the passage of the act amendatory of the act relative to the support of the poor in the county of Herkimer; which was read and referred to the committee on internal affairs.

Mr. McCarthy, from the committee on literature, to which was referred the bill entitled "An act to repeal sections 3, 4, 5, 6 and 8 of chapter 392 of the Laws of 1872, entitled 'An act for the relief of the Corning Library,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to confer additional power upon the recorder of the city of Utica," reported in favor of the passage of the

same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to confirm the proceedings taken by the common council of the city of Buffalo, to clean the sewer in Chicago street, in said city," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to legalize and confirm the proceedings of the common council of the city of Buffalo, in relation to certain streets," and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was recommended the bill entitled "An act authorizing the taxation of stockholders of life, fire and marine insurance companies," reported the same for the consideration of the Senate and said bill was committed to the committee of the whole.

Mr. Wellman, from the committee on State prisons, to which was referred the bill entitled "An act to establish the compensation of the several officers, keepers, guards, matrons and teachers of the Sing Sing, Auburn and Clinton prisons, and the Superintendent of the State Lunatic Asylum for Insane Convicts at Auburn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The President presented the annual report of the Trustees of Sailors' Snug Harbor; which was laid upon the table and ordered printed.

(See *Doc. No. 38.*)

The President presented the proceedings and resolutions of a meeting of the Canal Board, relative to the temporary transfer of \$300,000, for the opening and repairing the Erie canal; which was read and referred to the committee on canals.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act relating to Gowanda union free school district, composed of a part of the town of Collins, in Erie county, and parts of the towns of Persia and Perrysburgh, in Cattaraugus county."

"An act to provide for the payment of bonds issued by municipal corporations under the provisions of chapter 907, Laws of 1869, entitled 'An act to amend an act entitled An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850, so as to permit municipal corporations to aid in the construction of railroads, and the acts amendatory thereof."

The Assembly sent for concurrence the bills entitled as follows:

"An act to extend the charter of the Chenango Canal Bridge Company, in the county of Broome," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend chapter 606 of the Laws of 1866, entitled 'An act to incorporate the village of Cambridge, passed April 16, 1866, and the several acts amendatory thereof,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the city of Elmira, passed May 17, 1875,'" which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Bradley, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Harris	McCarthy	Schoonmaker
Bradley	Jacobs	Moore	Selkreg
Carpenter	Kennaday	Robertson	Vedder
Coleman	Lamont	St. John	Wagstaff
Doolittle	Loomis	Sayre	Wellman
Emerson			

21

On motion of Mr. Bradley, and by unanimous consent, the rules were suspended and the Clerk was ordered to return said bill to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same.

The Assembly sent for concurrence a resolution in the words following :

*Resolved* (if the Senate concur), That the sum of three hundred thousand dollars, out of the sum of four hundred thousand dollars appropriated by section 5 of act chapter 425 of the Laws of 1876, for the deepening of the water-way of the Erie canal, may be temporarily transferred by the Commissioners of the Canal Fund to the ordinary canal repair fund, for the purpose of enabling the State officers to repair and open the canals in the ensuing spring ; the said sum of three hundred thousand dollars hereby temporarily appropriated shall be replaced in the original fund for deepening the water-way of the Erie canal, from the revenues of the canals for the current fiscal year.

On motion of Mr. Cole, and by unanimous consent, the rules were suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	Lamont	St. John
Bradley	Hammond	Loomis	Selkreg
Carpenter	Harris	McCarthy	Starbuck
Cole	Jacobs	Prince	Vedder
Coleman	Kennaday	Robertson	Wellman

20

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Wellman introduced a bill entitled "An act to provide for the appointment of a State agent, whose duties shall be the care, guidance and direction of the prisoners discharged from the several penal institutions and reformatories of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on state prisons.

Mr. Vedder introduced a bill entitled "An act to amend an act entitled 'An act regulating the forfeiture of life insurance policies, passed May 15, 1876,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

Mr. Sprague introduced a bill entitled "An act extending the time for Maria Matilda Thompson to file her claim for damages with the Canal Appraisers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Selkreg introduced a bill entitled "An act to amend an act entitled 'An act further to provide for the construction and operation of a steam railway or railways in counties of the State, passed June 18, 1875,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Bixby introduced a bill entitled "An act to amend chapter 913 of the Laws of 1866, entitled 'An act for the relief of the Sacket Street Railway Company, passed October 11, 1866, and published with the laws of 1867,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Also, a bill entitled "An act for the termination of certain unused grants," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same:

"An act to amend chapter 235 of the Laws of 1873, entitled 'An act to amend an act entitled An act to establish free schools in school district No. 4, in the town of Eastchester, Westchester county,' passed June 8, 1853."

*Ordered,* That the Clerk deliver said bill to the Governor.

Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act further to amend chapter 106 of the Laws of 1865, entitled 'An act to incorporate the New York Infant Asylum,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to provide for making, to the New York Infirmary for Women and Children, the same allowances and payments for the care and maintenance of lying-in and nursing women, as now provided by law for the New York Infant Asylum," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the American Baptist Home Mission Society,' passed April 12, 1843, and amended February 9, 1849," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to incorporate the Greenwood Lake Sportsmen's Club," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act in relation to a fund or property proceeding from the trustees for the Society of United Christian Friends in the city of New York, a religious corporation, or from the congregation or society of said corporation," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the petition of the Society of Friends, praying for the abolition of capital punishment, reported adversely thereto, and recommend the adoption of the following resolution:

*Resolved*, That the prayer of the petitioner be denied.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Morrissey, from the committee on the affairs of cities, to which was referred the bill entitled "An act relating to the local government of the city of New York," reported, in favor of the passage of the same, and said bill was committed to the committee of the whole.

A message was received from the Governor in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, March 1, 1877. }

*To the Senate:*

In accordance with a joint resolution of the Senate and Assembly, I transmit herewith, for amendment, Senate bill not printed, entitled "An act to authorize the county of Kings to raise moneys to continue relief supplies to the out-door poor."

L. ROBINSON.

The President put the question whether the Senate would agree to reconsider the vote by which said bill was passed, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	Loomis	Sayre	
Bradley	Gerard	McCarthy	Schoonmaker	
Cole	Jacobs	Moore	Selkreg	
Coleman	Kennaday	Robertson	Starbuck	
Doolittle	Lamont	St. John	Wagstaff	20

On motion of Mr. Jacobs, and by unanimous consent, said bill was amended as follows:

Section 1, line 4, engrossed bill, strike out the words "fifteen thousand," and insert the words "forty thousand."

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Loomis	Sayre	
Bradley	Hammond	McCarthy	Schoonmaker	
Cole	Jacobs	Moore	Sprague	
Coleman	Kennaday	Robertson	Wagstaff	
Emerson	Lamont	St. John	Wellman	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein, as amended.

The bill entitled "An act relating to Gowanda union free school district, composed of a part of the town of Collins, in Erie county, and parts of the towns of Persia and Perrysburgh, in Cattaraugus county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a major-

ity of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Vedder
Bradley	Harris	Prince	Wagstaff
Coleman	Kennaday	Selkreg	Wellman
Doolittle	Loomis	Sprague	Woodin
Emerson	McCarthy		

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FOR THE NEGATIVE.

Robertson	St. John	Schoonmaker	Starbuck
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4

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

Mr. Robertson offered the following:

*Resolved*, That Senate rule No. 47 be amended so as to read as follows:

Rule 47. The Senate shall go into consideration of executive business only on the first and third Wednesdays of every month that it is in session, at twelve o'clock at noon thereof. All nominations sent by the Governor for the appointment of any officer (except a notary public) shall be referred to that standing committee of the Senate to which the duties of such officer appertain, unless the Senate shall order the same referred to some other standing committee, or to a select committee; and no nomination shall be further considered by the Senate until after the report thereon of a majority of the committee to which it was referred, and the consent of the Senate to the appointment of any officer nominated by the Governor, given on any day of the transaction of executive business, shall not be transmitted to the Governor until the next day thereafter, for the transaction of such business, except by unanimous consent. Nominations of persons for the office of notary public shall be referred to the senator from the district in which the nominee resides, except that, when the nominee resides in the city and county of New York, the reference shall be to the senators from that city and county, and when the nominee resides in the county of Kings, the reference shall be to the senators from that county.

Objection being made, said resolution was laid upon the table.

Mr. Harris offered the following:

*Resolved* (if the Assembly concur), That 1,500 copies of the annual report of the Treasurer of the State of New York be printed; 500 copies for the use of the Treasurer's office, and 1,000 copies for the Legislature.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Prince offered the following:

*Resolved*, That Senate bill No. 116, entitled "An act to incorporate the Cathedral of the Incarnation in the diocese of Long Island," be recommitted to the committee on miscellaneous corporations, retaining its place on general orders.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

On motion of Mr. Coleman, and by unanimous consent, the following entitled bills were ordered considered in first committee of the whole:

"An act to amend chapter 129 of the Laws of 1872, entitled 'An act to amend an act passed May 3, 1870, entitled An act to amend an act to incorporate the city of Troy, passed April 12, 1816, and the several acts

amendatory thereof, and also to amend other acts relating to the city of Troy.'"

"An act to amend chapter 12 of the Laws of 1848, entitled 'An act in relation to the city of Troy, as amended by chapter 210 of the Laws of 1849, entitled An act to amend an act entitled An act in relation to the city of Troy, passed January 28, 1848.'"

Mr. Jacobs moved that when the Senate adjourns to-day, it adjourn to meet on Monday evening next at 8 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Selkreg, from the committee on railroads, to which was referred the Assembly bill entitled "An act to facilitate the construction of narrow gauge railroads, and to amend chapter 560 of the Laws of 1871, entitled 'An act to amend an act entitled An act to authorize the formation of railroad corporations and to regulate the same, passed April 2, 1850, passed April 19, 1871,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate then resolved itself into a committee of the whole and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend chapter 129 of the Laws of 1872, entitled 'An act to amend an act passed May 3, 1870, entitled An act to amend an act to incorporate the city of Troy, passed April 12, 1816, and the several acts amendatory thereof, and also to amend other acts relating to the city of Troy.'"

"An act to provide for the review and correction of illegal, erroneous and unequal assessments."

"An act to amend chapter 12 of the Laws of 1848, entitled 'An act in relation to the city of Troy, as amended by chapter 210 of the Laws of 1849, entitled An act to amend an act entitled An act in relation to the city of Troy,' passed January 28, 1848."

After some time spent therein the President resumed the chair, and Mr. Vedder, from said committee, reported in favor of the passage of the first and second named bills, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Vedder, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Woodin gave notice that he would at some future day move to amend Senate rule No. 47, as this day proposed by Mr. Robertson.

On motion of Mr. McCarthy, the Senate adjourned.

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## MONDAY, MARCH 5, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of Friday, March 2, was read and approved.



By unanimous consent, Mr. Woodin offered the following :

*Resolved*, That a respectful message be sent to the Assembly, requesting the return to the Senate of Assembly bill No. 77, entitled "An act to authorize the payment of certain moneys out of the State treasury to the heir-at-law of James Green, deceased."

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly and request their concurrence therein.

Mr. Harris presented a memorial of the members of the faculty of Union college, against the repeal of the act instituting the State survey; which was read and referred to the committee on finance.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows :

"An act to amend chapter 129 of the Laws of 1872, entitled 'An act to amend an act passed May 3, 1870, entitled An act to amend an act to incorporate the city of Troy, passed April 12, 1816, and the several acts amendatory thereof, and also to amend other acts relating to the city of Troy.'"

"An act to provide for the review and correction of illegal, erroneous and unequal assessments."

"An act to amend chapter 12 of the Laws of 1848, entitled 'An act in relation to the city of Troy, as amended by chapter 210 of the Laws of 1849, entitled An act to amend an act entitled An act in relation to the city of Troy,' passed January 28, 1848."

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 341 of the Laws of 1872, entitled 'An act in reference to the Young Men's Association, for mutual improvement in the city of Albany,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The President presented the annual toll sheet established by the Canal Board for the year 1877, and report of the standing committee on commerce; which was read and referred to the committee on canals.

Mr. Cole moved that said toll sheet and report be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

(See *Assem. Doc. No. 67.*)

The Assembly sent for concurrence the bills entitled as follows :

"An act to amend chapter 210 of the Laws of 1867, entitled 'An act to incorporate Washington Fire Engine Company No. 1, in the town of Eastchester, county of Westchester,' passed March 30, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act making an appropriation for the payment of a portion of the general fund State debt," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to provide for the appointment and to establish the fees of special surrogates," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend the charter of the Lafayette Fire Insurance Company of Brooklyn," which was read the first time, and by unanimous

consent was also read the second time, and referred to the committee on insurance.

"An act to provide for the revision of the laws relative to the administration of justice in the district courts of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to confirm the title to certain lands conveyed to Josefa M. Mora, an alien," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to regulate voting in the Western New York Agricultural Society," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

"An act to amend chapter 143 of the Laws of 1861, entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861, and the various acts amendatory thereof or relating to the city of Rochester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to confirm the official acts of Dougald E. Cameron, heretofore elected a justice of the peace for the town of Caledonia, in the county of Livingston," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to enlarge the Ridgewood reservoir of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend chapter 113 of the Laws of 1859, entitled 'An act in relation to the common schools in the village of Elmira,' passed April 4, 1859," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to require the clerks of the several boards of supervisors of the several counties of this State to transmit copies of the proceedings of the several boards of supervisors to the librarian of the State library," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend chapter 381 of the Laws of 1875, entitled 'An act supplemental to an act entitled An act to provide for the incorporation of religious societies,' passed April 5, 1813, and of the several acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act to amend chapter 270 of the Laws of 1876, entitled 'An act to incorporate the Grand Army of the Republic Soldiers' Home of the State of New York,' passed May 15, 1876," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on militia.

"An act to amend section 55 of article 3, of chapter 8 of part 2 of the Revised Statutes, entitled 'Of divorces dissolving the marriage contract,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to incorporate Rapid Hose Company No. 1, of the city of Kingston, Ulster county, State of New York," which was read the

first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Assembly returned the following entitled Assembly bills, with a message that they had concurred in the amendments of the Senate thereto :

"An act to amend section 1 of chapter 638 of the Laws of 1867, entitled 'An act authorizing the New York society for the relief of the ruptured and crippled to hold real and personal estate.'"

"An act to amend chapter 767 of the Laws of 1872, entitled 'An act to establish the compensation of county judges and surrogates, pursuant to the fifteenth section of the amended sixth article of the Constitution.'"

"An act to amend chapter 104 of the Laws of 1864, entitled 'An act to amend an act entitled 'An act in relation to the Syracuse City Water-works Company,' passed April 5, 1849.'"

*Ordered,* That the Clerk return said bills to the Assembly.

The Assembly returned the bill entitled "An act to authorize the county of Kings to raise moneys to continue relief supplies to out-door poor," with a message that they had concurred in the passage of the same, as amended.

*Ordered,* That the Clerk deliver said bill to the Governor.

The Assembly returned the following entitled bills, with a message informing that they had concurred in the passage of the same :

"An act to amend chapter 133 of the Laws of 1847, entitled 'An act authorizing the incorporation of rural cemetery associations.'"

"An act further to amend chapter 463 of the Laws of 1860, entitled 'An act to revise the charter of the city of Oswego.'"

*Ordered,* That the Clerk deliver said bills to the Governor.

The bill entitled "An act to amend chapter 12 of the Laws of 1848, entitled 'An act in relation to the city of Troy, as amended by chapter 210 of the Laws of 1849, entitled 'An act to amend an act entitled 'An act in relation to the city of Troy,' passed January 28, 1848,' was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Bixby	Hammond	Morrissey	Sprague
Carpenter	Harris	Robertson	Starbuck
Cole	Kennaday	St. John	Wagner
Coleman	Loomis	Schoonmaker	Wagstaff
Doolittle	Moore	Selkreg	Woodin

20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 129 of the Laws of 1872, entitled 'An act to amend an act passed May 3, 1870, entitled 'An act to amend an act to incorporate the city of Troy, passed April 12, 1816, and the several acts amendatory thereof, and also to amend other acts relating to the city of Troy,' was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Doolittle	Morrissey	Sprague
Bradley	Harris	Robertson	Starbuck
Carpenter	Kennaday	St. John	Wagner
Cole	Lamont	Schoonmaker	Wagstaff
Coleman	Moore	Selkreg	Woodin
			20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Robertson moved to discharge the committee of the whole from the further consideration of the bill entitled "An act to authorize the appointment and provide for the compensation of a stenographer of the Special Terms of the Supreme Court, held in the county of Westchester," and that the same be recommitted to the committee on the judiciary, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Wagstaff introduced a bill entitled "An act to amend chapter 463 of the Laws of 1853, entitled 'An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies, passed June 24, 1853,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

On motion of Mr. Schoonmaker, and by unanimous consent, the bill entitled "An act to establish the compensation of the several officers, keepers, guards, matrons and teachers of the Sing Sing, Auburn and Clinton prisons, and the Superintendent of the State Lunatic Asylum for Insane Convicts at Auburn," was ordered to be considered in first committee of the whole.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to authorize the board of supervisors of the county of Columbia to provide for the payment of the principal of a portion of the bounty debt of said county, by issuing new bonds."

"An act to establish the compensation of the several officers, keepers, guards, matrons and teachers of the Sing Sing, Auburn and Clinton prisons, and the Superintendent of the State Lunatic Asylum for Insane Convicts."

"An act to amend chapter 176 of the Laws of 1851, entitled 'An act to amend the law for the assessment and collection of taxes,' and chapter 536 of the Laws of 1857, entitled 'An act to amend chapter 13, part 1 of the Revised Statutes, entitled 'Of the assessment and collection of taxes.'"

After some time spent therein, the President resumed the chair, and Mr. Hammond, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Hammond, from the same committee, reported in favor of the passage of the second named bill, with amendments, and have amended the title by striking out the words "to establish," and inserting the words "in relation to," which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Hammond, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

On motion of Mr. Sprague, the Senate adjourned.

TUESDAY, MARCH 6, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Prince presented a resolution of the common council of Long Island City against the act to provide for the abatement of nuisances by the boards of health of incorporated cities; which was read and referred to the committee on the judiciary.

Mr. Kennaday presented a petition of Margery Farren, for relief; which was read and referred to the committee on the judiciary.

Mr. Cole presented a petition of the minister, deacons and trustees of the First Presbyterian Society of Shelby, Orleans county, for change of corporate name; also, certificate of organization of said church; which was read and referred to the committee on miscellaneous corporations.

Mr. Starbuck presented a resolution adopted at a town meeting in the town of Clayton, Jefferson county, in favor of electing an overseer of the poor for said town; which was read and referred to the committee on internal affairs.

Mr. Carpenter presented a remonstrance of the faculty of Vassar college, against the repeal of the law instituting a State survey; which was read and referred to the committee on finance.

Mr. Loomis presented a petition of 235 tax-payers of the town of Otego, county of Otsego, for the act relating to the railroad commissioners of said town; which was read and referred to the committee on internal affairs.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act in relation to the compensation of the several officers, keepers, guards, matrons and teachers of the Sing Sing, Auburn and Clinton prisons, and the superintendent of the State lunatic asylum for insane convicts at Auburn."

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend chapter 606 of the Laws of 1866, entitled 'An act to incorporate the village of Cambridge, passed April 16, 1866,' and the several acts amendatory thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act further to amend chapter 519 of the Laws of 1870, entitled 'An act to revise the charter of the city of Buffalo,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That the Senators in Congress from this State be respectfully requested to use their influence for the passage

in the United States Senate of the House bill extending the time for the ex-officers and soldiers who served during the late war to apply for their pensions until January 1, 1880, and for paying such persons from the date of muster-out or discharge.

*Ordered*, That said resolution be laid upon the table.

Mr. Cole introduced a bill entitled "An act to change the name of 'The First Presbyterian Society of the town of Shelby,' in the county of Orleans," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

Mr. Robertson introduced a bill entitled "An act to amend chapter 379 of the Laws of 1875, entitled 'An act to define and limit the liens of contractors and others upon real estate in the city and county of New York, and to provide for the enforcement thereof,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Prince introduced a bill entitled "An act to amend chapter 366 of the Laws of 1859, entitled 'An act to establish an insurance department,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

Mr. Coleman introduced a bill entitled "An act to amend chapter 197 of the Laws of 1864, entitled 'An act to amend the several acts relating to taxes upon dogs, so far as relates to the county of Ontario, and providing for the extension of the provisions thereof to the several counties of the State by resolution of the respective boards of supervisors,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

Mr. Kennaday introduced a bill entitled "An act to release to Margery Farren the right, title and interest of the people of the State of New York in and to certain real estate in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The President presented the 14th annual report of the New York Catholic Protectory; which was laid upon the table and ordered printed.  
(*See Doc. No. 39.*)

Also, the report of the committee appointed by the New York Bar Association, relative to the Code of Remedial Justice; which was read and referred to the committee on the judiciary.

Also, a petition of the New York Catholic Protectory, for an appropriation of \$50,000; which was read and referred to the committee on finance.

Mr. Selkreg introduced a bill entitled "An act to amend chapter 251 of the Laws of 1875, entitled 'An act for the support and maintenance of prisoners confined upon civil process, passed May 6, 1875,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Morrissey introduced a bill entitled "An act relating to the government of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Bixby introduced a bill entitled "An act to establish a temporary parade ground in the city of New York, for the use of the first division National Guard of the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Sprague introduced a bill entitled "An act to amend an act entitled 'An act to amend the charter of the city of Buffalo, passed April 28, 1870,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Loomis introduced a bill entitled "An act to amend chapter 246 of the Laws of 1876, entitled 'An act to authorize the supervisor and railroad commissioners of the town of Otego, in the county of Otsego, to pay over and dispose of certain surplus moneys in the hands of said railroad commissioners, arising out of the sale of the railroad stock of said town,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Starbuck introduced a bill entitled "An act to authorize the election and appointment of one overseer of the poor in the town of Clayton, in Jefferson county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Also, a bill entitled "An act to amend chapter 817 of the Laws of 1878, entitled 'An act to provide for the support of the poor in the county of Jefferson,' passed June 23, 1878, so as to authorize the election of an overseer of the poor in the town of Clayton, and to appoint such officer to act until the next annual town meeting of that town," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

The bill entitled "An act in relation to the compensation of the several officers, keepers, guards, matrons and teachers of the Sing Sing, Auburn and Clinton prisons, and the superintendent of the State lunatic asylum for insane convicts at Auburn," having been announced for a third reading,

On motion of Mr. Woodin, and by unanimous consent, said bill was amended as follows:

Amend section 2 as follows:

Strike out in the third line all after the word "officers," down to and including the word "superintendent," and insert after the word "law," in the fourth line, the following: "filled by appointment by the agent and warden, with the approval of the superintendent."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Doolittle	McCarthy	Schoonmaker
Bradley	Harris	Moore	Sprague
Carpenter	Jacobs	Morrissey	Starbuck
Cole	Kennaday	Prince	Woodin
Coleman	Lamont	St. John	

19

#### FOR THE NEGATIVE.

Robertson	Selkreg
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2

*Ordered,* That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The Assembly bill entitled "An act to authorize the board of supervisors of the county of Columbia to provide for the payment of the principal of a portion of the bounty debt of said county, by issuing new bonds," having been announced for a third reading,

On motion of Mr. Carpenter, and by unanimous consent, said bill was amended as follows:

Add as section 3 the following:

§ 3. This act shall take effect immediately.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Hammond	Moore	Selkreg
Bradley	Jacobs	Morrissey	Sprague
Carpenter	Kennaday	Robertson	Starbuck
Cole	Loomis	St. John	Wagstaff
Coleman	McCarthy	Schoonmaker	Woodin
Doolittle			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The bill entitled "An act to amend title 3 of chapter 18 of part 1 of the Revised Statutes, entitled 'Of the general powers, privileges and liabilities of corporations,'" having been announced for a third reading,

On motion of Mr. Schoonmaker, and by unanimous consent, said bill was amended as follows:

Add at end of section 1: "Provided, however, that this section shall not be construed to prevent corporations, by their proper officers, from making or indorsing notes, checks, drafts or bills of exchange, in the prosecution of their lawful business, nor to apply to actions now pending, nor to lawful rights now existing."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Doolittle	Moore	St. John
Bradley	Hammond	Prince	Schoonmaker
Coleman	Harris	Robertson	Wagstaff

12

FOR THE NEGATIVE.

Cole	Lamont	Selkreg	Starbuck
Jacobs	Loomis	Sprague	Woodin
Kennaday	McCarthy		

10

Mr. Schoonmaker moved to reconsider the vote by which said bill was lost, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bradley offered the following:



*Resolved*, That evening sessions of this Senate shall be held on Tuesday and Thursday evenings of each week, at half-past 7 o'clock, after the present week.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to amend chapter 176 of the Laws of 1851, entitled 'An act to amend the law for the assessment and collection of taxes,' and chapter 536 of the Laws of 1857, entitled 'An act to amend chapter 13, part 1 of the Revised Statutes, entitled 'Of the assessment and collection of taxes.'"

"An act in relation to the imprisonment of convicts in the New York State reformatory at Elmira, and the government and release of such convicts by the managers."

"An act authorizing the taxation of stockholders of life, fire and marine insurance companies."

After some time spent therein, the President resumed the chair, and Mr. Kennaday, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Kennaday, from the same committee, reported progress on the second and last named bills, and asked and obtained leave to sit again.

The Assembly returned, pursuant to resolution of the Senate, the Assembly bill entitled "An act to authorize the payment of certain moneys out of the State Treasury, to the heirs-at-law of James Green, deceased."

By unanimous consent, Mr. Woodin moved to reconsider the vote by which the adverse report of the committee on finance, relative to the said bill, was agreed to.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin moved to disagree with the adverse report of the committee on finance, and that said bill be committed to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President presented the report of the commission appointed to devise a plan for the government of cities in the State of New York; which was laid upon the table and ordered printed.

(See *Assem. Doc. No. 68.*)

On motion of Mr. Loomis the Senate adjourned.

WEDNESDAY, MARCH 7, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Gerard presented a resolutions of the Chamber of Commerce of the State of New York, in respect to the State survey; which was read and referred to the committee on finance.

The President presented a resolution of the Prison Association of New York, relative to the government of the State reformatory at Elmira; which was read and referred to the committee on State prisons.

Mr. Wagner, from the committee on public printing, to which was referred the resolution to print extra copies of the annual report of the State Treasurer, reported in favor of the adoption of the following resolution:

*Resolved* (if the Assembly concur), That 1,500 copies of the annual report of the Treasurer of the State of New York be printed; 500 copies for the use of the Treasurer's office, and 1,000 copies for the Legislature, provided that the cost shall not exceed ten cents per page per 100 copies.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bixby	Doolittle	Moore	Selkreg
Bradley	Emerson	Morrissey	Starbuck
Carpenter	Gerard	Prince	Wagner
Cole	Jacobs	Robertson	Woodin
Coleman	McCarthy	Sayre	19

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Wagner, from the committee on public printing, to which was referred the resolution to print copies of the annual report of the Commissioners of Fisheries, reported in favor of the adoption of the following resolution:

*Resolved* (if the Assembly concur), That 1,000 copies of the Ninth Annual Report of the Commissioners of Fisheries of the State of New York be printed for the use of the said Commissioners, provided that the cost shall not exceed ten cents per page per 100 copies.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	Morrissey	Sprague
Bradley	Gerard	Prince	Starbuck
Carpenter	Hammond	Robertson	Wagner
Cole	Jacobs	St. John	Wagstaff
Coleman	McCarthy	Sayre	Woodin
Doolittle	Moore	Selkreg	23

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Cole, from the committee on canals, to which was referred the Assembly bill entitled "An act in relation to the office of Superintendent of Public Works, defining the powers of the Superintendent, and prescribing the mode of disbursements on account of the canals," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act in relation to the Superintendent of Public Works," and said bill was committed to the committee of the whole.

Mr. Cole moved that said bill, as amended, be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Cole moved that the same be considered in first committee of the whole to-morrow.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Cole, from the committee on canals, to which was referred the bill entitled "An act extending the time for Maria Matilda Thompson to file her claim for damages with the canal appraisers," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to release to Margery Farren the right, title and interest of the people of the State of New York in and to certain real estate in the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to remit and cancel certain awards for closing part of Main street, in the city of Yonkers, and to authorize the common council of the city of Yonkers to close and discontinue certain parts of Main street in said city, without payment of awards heretofore made for the discontinuance of the public use of the same," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to vacate and cancel certain awards for closing parts of Main street, in the city of Yonkers, and to authorize the common council of said city to close and discontinue certain parts of said street, without payment of awards heretofore made for the discontinuance of the public use thereof," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 379 of the Laws of 1875, entitled "An act to define and limit the liens of contractors and others upon real estate in the city and county of New York, and to provide for the enforcement thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act to amend chapter 604 of the Laws of 1875, entitled 'An act to prevent the deposit of carrion, offal or dead animals in the North and East rivers, or in the bay of New York, or Raritan bay, within the jurisdiction of the State of New York,' passed June 18, 1875," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. McCarthy, from the committee on literature, to which was referred the concurrent resolution proposing an amendment to article 9 of the Constitution relative to schools," reported in favor of the passage of the same (Mr. McCarthy dissenting), and said resolution was committed to the committee of the whole.

Mr. McCarthy, from the committee on literature, to which was referred the bill entitled "An act to provide for the sanitary inspection and supervision of common schools and school buildings in the city and county of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. McCarthy, from the committee on literature, to which was referred the Assembly bill entitled "An act to amend chapter 113 of the Laws of 1859, entitled 'An act in relation to the common schools in the village

of Elmira,' passed April 4, 1859," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to amend chapter 176 of the Laws of 1851, entitled 'An act to amend the law for the assessment and collection of taxes,' and chapter 536 of the Laws of 1857, entitled 'An act to amend chapter 18, part 1 of the Revised Statutes, entitled Of the assessment and collection of taxes,' and chapter 176 of Laws of 1851."

Mr. Jacobs introduced a bill entitled "An act to amend chapter 667 of the Laws of 1870, entitled 'An act to incorporate the Brooklyn Library Building Fund Association of the Eastern District,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

Also, a bill entitled "An act to exempt the county of Kings from the operation of chapter 625 of the Laws of 1873," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Also, a bill entitled "An act to authorize the trustees of the New York and Brooklyn bridge to change the site of a portion of Frankfort street, between Pearl and Jacob streets, in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to provide for deficiencies in appropriations for the poor in the county of Kings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Robertson introduced a bill entitled "An act to amend chapter 36 of the Laws of 1873, entitled 'An act to provide for a supply of water in the city of Yonkers,' and passed February 28, 1873," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Gerard introduced a bill entitled "An act relating to the leasing of railroads by railroad companies incorporated under the laws of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Prince introduced a bill entitled "An act further to amend chapter 446 of the Laws of 1874, entitled 'An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylums for their treatment and safe keeping and the duties of the State Commissioner in Lunacy,' passed May 12, 1874," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Vedder introduced a bill entitled "An act for the continuance of suits or actions," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Emerson introduced a bill entitled "An act to authorize the Canal Commissioners to close the feeder of the Erie canal in Rochester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Starbuck introduced a bill entitled "An act to amend section 8 of chapter 489 of the Laws of 1873, entitled 'An act to amend an act entitled An act for the better security of mechanics and others erecting

buildings in the counties of Westchester, Oneida, Cortland, Broome, Putnam, Rockland, Orleans, Niagara, Livingston, Otsego, Lewis, Orange and Dutchess,' passed April 17, 1854, and as amended by chapter 558 of the Laws of 1869, entitled 'An act for the better security for mechanics and others erecting buildings in either of the counties of this State, except the counties of Erie, Kings, Queens, New York and Onondaga, so as to require the filing of lis pendens on commencing proceedings to enforce liens,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The bill entitled "An act to amend chapter 176 of the Laws of 1851, entitled 'An act to amend the law for the assessment and collection of taxes,' and chapter 536 of the Laws of 1857, entitled 'An act to amend chapter 13, part 1 of the Revised Statutes, entitled Of the assessment and collection of taxes,' and chapter 176 of the Laws of 1851," having been announced for a third reading,

Mr. Bradley moved that said bill be recommitted to the committee on the judiciary, retaining its place in the order of third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to provide for the payment of bonds issued by municipal corporations under the provisions of chapter 907, Laws of 1869, entitled 'An act to authorize the formation of railroad corporations and to regulate the same,' passed April 2, 1850, so as to permit municipal corporations to aid in the construction of railroads, and the acts amendatory," being announced for a third reading,

On motion of Mr. Bradley, and by unanimous consent, said bill was amended as follows:

Section 2, line 5, engrossed bill, strike out the words "of towns." Same section, strike out all after the word "supervisors," in line 8, down to and including the word "year," at end of section.

Section 3, line 3, strike out all after the word "received," down to and including the word "levy," in line 5.

On motion of Mr. Schoonmaker, and by unanimous consent, said bill was amended as follows:

Section 3, line 29, strike out the words "two justices of the peace" and insert the words "the county judge."

On motion of Mr. Doolittle, and by unanimous consent, said bill was amended by adding a new section, as follows:

§ 5. The provisions of this act shall not apply to the counties of Oswego and Madison.

On motion of Mr. Bradley, and by unanimous consent, said bill was amended as follows:

Section 3, line 22, insert after word "shall," the word "severally."

On motion of Mr. Sprague, and by unanimous consent, said bill was amended by adding to the amendment of Mr. Doolittle the words "county of Erie."

On motion of Mr. Cole, and by unanimous consent, said bill was amended by adding to the amendment of Mr. Doolittle the words "counties of Orleans, Niagara and Genesee."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	Loomis	Schoonmaker
Bradley	Gerard	McCarthy	Sprague
Carpenter	Hammond	Robertson	Starbuck
Coleman	Jacobs	St. John	Wagner
Doolittle	Kennaday	Sayre	Wagstaff

20

FOR THE NEGATIVE.

Selkreg 1

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

Mr. Jacobs offered the following :

*Resolved*, That the committee on apportionment be instructed to report within ten days, a bill redistricting the Senate districts, and apportioning the Assembly districts of the State.

Mr. Woodin moved that said resolution be laid on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Carpenter	Harris	Sayre	Vedder
Cole	McCarthy	Selkreg	Wagner
Coleman	Moore	Sprague	Woodin
Doolittle	Robertson		

14

FOR THE NEGATIVE.

Baaden	Hammond	Loomis	Schoonmaker
Bixby	Jacobs	Morrissey	Starbuck
Bradley	Kennaday	Prince	Wagstaff
Gerard	Lamont	St. John	

15

The hour of twelve o'clock having arrived, the President announced that the Senate would go into executive session.

Mr. Woodin moved that the executive session be postponed until fifteen minutes before two o'clock.

The President decided that, as the standing rule of the Senate required that the Senate should, at this day and hour, go into executive session, the motion was not in order without unanimous consent.

Objection being made, the Senate went into executive session and, after some time spent therein, the doors were opened and legislative business was resumed.

The President announced the pending question to be upon the resolution offered by Mr. Jacobs.

Mr. Jacobs moved to amend the resolution by striking out "ten days" and inserting "twenty days."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Baaden	Hammond	Loomis	Schoonmaker
Bixby	Jacobs	Morrissey	Starbuck
Bradley	Kennaday	Prince	Wagstaff
Gerard	Lamont	St. John	

15

## FOR THE NEGATIVE.

Carpenter	Emerson	Robertson	Sprague
Cole	Harris	Sayre	Wagner
Coleman	McCarthy	Selkreg	Woodin
Doolittle	Moore		

14

Pursuant to previous notice, given by Mr. Woodin, Mr. Robertson called for the consideration of the resolution in the words following:

*Resolved*, That Senate rule No. 47 be amended so as to read as follows:

Rule 47. The Senate shall go into consideration of executive business only on the first and third Wednesdays of every month that it is in session, at twelve o'clock at noon thereof. All nominations sent by the Governor for the appointment of any officer (except a notary public) shall be referred to that standing committee of the Senate to which the duties of such officer appertain, unless the Senate shall order the same referred to some other standing committee, or to a select committee; and no nomination shall be further considered by the Senate until after the report thereon of a majority of the committee to which it was referred, and the consent of the Senate to the appointment of any officer nominated by the Governor, given on any day of the transaction of executive business, shall not be transmitted to the Governor until the next day thereafter, for the transaction of such business, except by unanimous consent. Nominations of persons for the office of notary public shall be referred to the senator from the district in which the nominee resides, except that, when the nominee resides in the city and county of New York, the reference shall be to the senators from that city and county, and when the nominee resides in the county of Kings, the reference shall be to the senators from that county.

Mr. Robertson moved to amend as follows:

Strike out the words "or to a select committee." Insert after the words "it was referred" the words "unless the said committee fail to report thereon at the next regular executive session." Strike out the words "except by unanimous consent." And at the end of the resolution the words "Any provision of this rule may be waived by unanimous consent."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Jacobs moved that said resolution be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Jacobs	Loomis	Schoonmaker
Bradley	Kennaday	Morrissey	Starbuck
Gerard	Lamont	St. John	Wagstaff
Hammond			

13

## FOR THE NEGATIVE.

Baaden	Doolittle	Moore	Selkreg
Carpenter	Emerson	Prince	Sprague
Cole	Harris	Robertson	Wagner
Coleman	McCarthy	Sayre	Woodin

16

Mr. Jacobs moved to amend the resolution so that the first sentence thereof shall read:

"The Senate shall go into consideration of executive business on the first and third Wednesday of every month that it is in session, at twelve o'clock at noon thereof, or at any other time that the Senate shall so order."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bixby	Jacobs	Loomis	Schoonmaker	
Bradley	Kennaday	Morrissey	Starbuck	
Gerard	Lamont	St. John	Wagstaff	
Hammond				13

FOR THE NEGATIVE.

Baaden	Emerson	Prince	Sprague	
Carpenter	Harris	Robertson	Vedder	
Cole	McCarthy	Sayre	Wagner	
Coleman	Moore	Selkreg	Woodin	
Doolittle				17

Mr. Kennaday moved to amend the resolution as follows:

Insert after the words "twelve o'clock at noon thereof" the words "unless otherwise ordered by a vote of two-thirds of the members elected to the Senate."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bixby	Jacobs	Loomis	Schoonmaker	
Bradley	Kennaday	Morrissey	Starbuck	
Gerard	Lamont	St. John	Wagstaff	
Hammond				13

FOR THE NEGATIVE.

Baaden	Doolittle	Prince	Sprague	
Carpenter	Harris	Robertson	Vedder	
Cole	McCarthy	Sayre	Wagner	
Coleman	Moore	Selkreg	Woodin	
				16

Mr. Schoonmaker moved to amend the resolution so as to read as follows:

"The Senate shall not go into the consideration of executive business during its present session."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Woodin				1
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FOR THE NEGATIVE.

Baaden	Emerson	Loomis	Schoonmaker	
Bixby	Gerard	McCarthy	Selkreg	
Bradley	Hammond	Moore	Sprague	
Carpenter	Harris	Morrissey	Vedder	
Cole	Jacobs	Robertson	Wagner	
Coleman	Kennaday	St. John	Wagstaff	
Doolittle	Lamont	Sayre		27



The President then put the question whether the Senate would agree to resolution to amend rule, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Prince	Sprague
Carpenter	Harris	Robertson	Vedder
Cole	McCarthy	Sayre	Wagner
Coleman	Moore	Selkreg	Woodin
Doolittle			

17

## FOR THE NEGATIVE.

Bixby	Jacobs	Loomis	Schoonmaker
Bradley	Kennaday	Morrissey	Starbuck
Gerard	Lamont	St. John	Wagstaff
Hammond			

13

Mr. Woodin moved to reconsider the vote by which the resolution instructing the committee on apportionment to report within twenty days was adopted.

Mr. Jacobs moved that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Jacobs	Morrissey	Schoonmaker
Bradley	Kennaday	Prince	Starbuck
Gerard	Lamont	St. John	Wagstaff
Hammond	Loomis		

14

## FOR THE NEGATIVE.

Baaden	Doolittle	Moore	Sprague
Carpenter	Emerson	Robertson	Vedder
Cole	Harris	Sayre	Wagner
Coleman	McCarthy	Selkreg	Woodin

16

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Sprague
Carpenter	Emerson	Robertson	Vedder
Cole	Harris	Sayre	Wagner
Coleman	McCarthy	Selkreg	Woodin

16

## FOR THE NEGATIVE.

Bixby	Jacobs	Morrissey	Schoonmaker
Bradley	Kennaday	Prince	Starbuck
Gerard	Lamont	St. John	Wagstaff
Hammond	Loomis		

14

Mr. Jacobs moved to amend the resolution by striking out the words "twenty days," and inserting "thirty days."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Jacobs	Loomis	St. John
Gerard	Kennaday	Morrissey	Starbuck
Hammond	Lamont	Prince	Wagstaff

12



introductory number 523, entitled "An act to amend an act entitled 'An act to revise and consolidate the several acts relating to the city of Elmira,'" for amendment.

On motion of Mr. Bradley, and by unanimous consent, the rules were suspended in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

On motion of Mr. Bradley, and by unanimous consent, the rules were suspended and the Clerk was ordered to return said resolution to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same.

On motion of Mr. Hammond, the Senate adjourned.

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### THURSDAY, MARCH 8, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Carpenter presented a petition of citizens and tax-payers of Columbia county for the passage of an act to enable cities and towns to refund money expended in furnishing substitutes; which was read and referred to the committee on the judiciary.

Mr. Prince presented a petition of Mary Graham for the release to her of the interest of the State in certain real estate; which was read and referred to the committee on the judiciary.

Mr. Bradley presented a petition of citizens of Corning for the passage of an act authorizing commissioners of highways of the town of Corning to maintain and insure certain bridges; which was read and referred to the committee on roads and bridges.

Mr. Selkreg, from the committee on railroads, to which was referred the Assembly bill entitled "An act to change the name of the Rochester and Pine Creek Railroad Company to that of the Silver Lake Railroad Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to provide for the abatement of nuisances by boards of health of incorporated cities," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to provide for the restraint and abatement of nuisances by boards of health," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was recommitted the bill entitled "An act to amend chapter 176 of the Laws of 1851, entitled 'An act to amend the law for the assessment and collection of taxes,' and chapter 536 of the Laws of 1857, entitled 'An act to amend chapter 13, part 1 of the Revised Statutes, entitled 'Of the assessment and collection of taxes,' and chapter 176 of Laws of 1851,'" reported in favor of the passage of the same, and said bill was ordered to a third reading.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act to amend chapter 856 of Laws of 1869, entitled 'An act to amend an act to suppress intemperance and to regulate the sale of intoxicating liquors,' passed April 16, 1857," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act for the relief of the Canaseraga Circulating Library," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on Indian affairs, to which was referred the bill entitled "An act for the relief of the Stockbridge Indians," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act to repeal chapter 180 of the Laws of 1875, entitled 'An act creating a board of town auditors in the several towns of this State, and to prescribe their powers and duties,'" reported the same for the consideration of the Senate.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to amend chapter 210 of the Laws of 1867, entitled 'An act to incorporate Washington Fire Engine Company No. 1, in the town of East Chester, county of Westchester,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to provide for the superintendent of the poor of the county of Otsego to be the keeper of the poor-house of said county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act to reduce and regulate taxes," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act to regulate the sale of intoxicating liquors," reported adversely thereto, which report was agreed to, and said bill rejected.

The Assembly sent for concurrence the bills entitled as follows:

"An act to extend the time for the collection of taxes in the several towns in the county of Rookland," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to provide means for the ordinary repairs of the canals preparatory to opening them for the present year," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to provide for the construction of fishways in the State dams across the Oswego, Oneida and Seneca rivers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to incorporate the Grand Lodge of the Ancient Order of United Workmen, of the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act to extend the time for the collection of taxes in the town of Plattsburgh, in the county of Clinton," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act making appropriations for the support of government," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to extend the charter of the Glen Cove Mutual Insurance Company, passed March 29, 1837, as the same was modified and amended by chapter 40 of the Laws of 1857, passed February 19, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

"An act in relation to bets, wagers and pools," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Assembly returned the bill entitled "An act to discontinue the Butternuts and Sherburne turnpike," with a message that they had concurred in the passage of the same, with the following amendments:

Section 1, line 7, after the word "hereby" insert "continued and."

Amend title so as to read:

"An act to repeal chapter 116, of the Laws of 1836, entitled "An act to incorporate the Butternuts and Sherburne Turnpike Company, and to continue the turnpike therein authorized, and declaring it to be a public highway."

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Hammond	McCarthy	Sayre
Bradley	Harris	Moore	Schoonmaker
Carpenter	Jacobs	Morrissey	Selkreg
Cole	Kennaday	Prince	Tobey
Coleman	Lamont	Robertson	Vedder
Emerson	Loomis	St. John	Wagner
Gerard			

25

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act in relation to the Foundling Asylum of the Sisters of Charity of the city of New York," with a message that they had concurred in the passage of the same, with the following amendments:

Section 2, line 5, engrossed bill, strike out after the word "the," the word "same." After "sum," same line, insert "of eighteen dollars." Sixth line, same section, after the word "month," strike out all down to and including the word "circumstances," in lines 8 and 9. Line 13, strike out the word "said," and insert "New York" in lieu thereof. Insert, as section 3, the following:

"§ 3. Nothing in this act contained shall be construed as exempting from taxation any additional real estate authorized to be held under this act."

Make section 3, engrossed bill, section 4.

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority

of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Basden	Coleman	Loomis	Schoonmaker
Birby	Emerson	Morrissey	Tobey
Bradley	Gerard	Robertson	Vedder
Carpenter	Hammond	St. John	Wagner
Cole	Jacobs	Sayre	Wagstaff 20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the following entitled Assembly bill, with a message that they had concurred in the amendments of the Senate thereto:

"An act for the relief of certain persons claiming to have acted as clerks and assistant clerks of the district courts in the city of New York."

*Ordered*, That the Clerk return said bill to the Assembly.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act to release the right, title and interest of the people of the State of New York in and to certain real estate, of which Thomas Dalton died seized, to William E. Duncan."

"An act to release to certain charitable institutions the interest of the people of the State of New York in certain personal property formerly of James Kelly, of the city of New York, deceased."

*Ordered*, That the Clerk deliver said bills to the Governor.

The President presented the ninetieth annual report of the Regents of the University; which was laid upon the table and ordered printed.

(See Doc. No. 41.)

Mr. Harris offered the following:

*Resolved*, That 1,500 copies of the eighty-ninth and ninetieth reports of the Regents of the University, on colleges and academies, be printed in the usual form for the use of the Regents.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to authorize the appointment of a librarian to take charge of the law library in the fifth judicial district, located at Utica."

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to authorize the trustees of the New York and Brooklyn Bridge to change the site of a portion of Frankfort street, between Pearl and Jacob streets, in the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act relative to the district courts in the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to provide for the completion of the court house in the third judicial district in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Bradley introduced a bill entitled "An act to authorize the commissioners of highways of the town of Corning, in the county of Steuben, to maintain and keep in repair certain bridges and the approaches thereto, and to cause the insurance thereof against loss or damage by fire," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Robertson introduced a bill entitled "An act to amend chapter 35 of the Laws of 1873, entitled 'An act to re-enact and amend an act entitled 'An act to incorporate the city of Yonkers,' passed June 1, 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Prince introduced a bill entitled "An act to release and convey to Mary Graham, the interest of the people of the State of New York in certain real estate," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to provide for widening Vernon avenue, from Third street to Jackson avenue, in the first ward of Long Island City," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Gerard introduced a bill entitled "An act to amend section 67 of article 4, title 5, chapter 9 of part 1 of the Revised Statutes, relative to grants of land under water," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. St. John introduced a bill entitled "An act to amend an act entitled 'An act enabling national banking associations to become State banking associations, and to amend the banking laws of the State, passed April 20, 1867,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Mr. Jacobs introduced a bill entitled "An act to amend chapter 609 of the Laws of 1871, entitled 'An act to regulate the construction and protection of railway crossings in the county of Kings, passed April 19, 1871,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Carpenter introduced a bill entitled "An act to amend chapter 654 of the Laws of 1869, entitled 'An act authorizing the construction of a railroad through certain streets in the city of Poughkeepsie, and through certain streets and roads in the town of Poughkeepsie, in the county of Dutchess,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Robertson moved that the committee on the judiciary be discharged from the further consideration of the bill entitled "An act in relation to bets, wagers and pools," and that the same be referred to the committee on internal affairs.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Schoonmaker introduced a bill entitled "An act to authorize the Union Plank-road Company, its lessees and assigns, to change the location of a part of the track of said road, in the city of Kingston," which

was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Wagstaff introduced a bill entitled "An act to amend an act entitled 'An act supplementary to chapter 60 of the Laws of 1813, entitled An act to provide for the incorporation of religious societies, and the acts supplementary thereto, passed April 26, 1876,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

Mr. Spragne introduced a bill entitled "An act to prevent fraud or deception in the sale or exchange of merchandise," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act in regard to assessments in the city of Buffalo," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to review assessments in the city of Buffalo," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The bill entitled "An act to authorize the appointment of a librarian to take charge of the law library in the fifth judicial district, located at Utica," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Harris	Morrissey	Selkreg
Bradley	Jacobs	Prince	Sprague
Carpenter	Kennaday	Robertson	Tobey
Cole	Loomis	St. John	Vedder
Coleman	McCarthy	Sayre	Wagner
Doolittle	Moore	Schoonmaker	Woodin
Gerard			

25

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bill entitled as follows:

Assembly, "An act in relation to the Superintendent of Public Works."

After some time spent therein the President resumed the chair, and Mr. St. John, from said committee, reported in favor of the passage of the said named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Schoonmaker moved that said bill, as amended in committee of the whole, be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Selkreg offered the following:

*Resolved* (if the Assembly concur), That a respectful message be sent to his excellency the Governor, requesting the return to the Senate of Senate bill No. 35, entitled "An act to amend chapter 125 of the Laws



of 1874, entitled 'An act to provide for the establishment of a system of graded schools in the village of Ithaca, for amendment.'"

On motion of Mr. Selkreg, and by unanimous consent, the rules were suspended, in order to consider said resolution immediately.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Selkreg, and by unanimous consent, the rules were suspended, and the Clerk was ordered to deliver said resolution to the Assembly immediately, and request their concurrence therein.

The Assembly returned the bill entitled as follows:

"An act in relation to the foundling asylum of the Sisters of Charity in the city of New York."

*Ordered*, That the Clerk deliver said bill to the Governor.

By unanimous consent, Mr. Sayre, from the committee on roads and bridges, to which was referred the bill entitled "An act to authorize the Union Plank-road Company, its lessees or assigns, to change the location of a part of the track of said road in the city of Kingston," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Cole, the Senate adjourned.

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## FRIDAY, MARCH 9, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Starbuck presented two petitions of citizens and tax-payers of Jefferson county, relative to the salary of county judge and surrogate of said county; which was read and referred to the committee on the judiciary.

Mr. Cole, from the committee on canals, to which was referred the Assembly bill entitled "An act to provide means for the ordinary repairs of the canals, preparatory to opening them for the present year," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Tobey, from the committee on insurance, to which was referred the bill entitled "An act to amend chapter 366 of the Laws of 1859, entitled 'An act to establish an insurance department,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Tobey, from the committee on insurance, to which was referred the Assembly bill entitled "An act to amend the charter of the Lafayette Fire Insurance Company of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Tobey, from the committee on insurance, to which was referred the Assembly bill entitled "An act to amend chapter 617 of the Laws of 1873, entitled 'An act regulating the deposit of securities by plate glass insurance companies,'" reported in favor of the passage of the same,

with amendments, and said bill was committed to the committee of the whole.

Mr. Tobey, from the committee on insurance, to which was referred the bill entitled "An act to facilitate the transfer of life insurance policies," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Tobey, from the committee on insurance, to which was referred the bill entitled "An act to amend the charter of the Lafayette Fire Insurance Company of Brooklyn," reported adversely thereto, for the reason that a similar Assembly bill has been reported favorably, which report was agreed to, and said bill rejected.

Mr. Tobey, from the committee on insurance, to which was referred the bill entitled "An act to amend chapter 463 of the Laws of 1853, entitled 'An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies,'" reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to provide for the appointment of an additional number of notaries public," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to release and convey to Mary Graham, the interest of the people of the State of New York in certain real estate," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to extend the time for the collection of taxes in the several towns in the county of Rockland," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to authorize the extension of the time for the collection of taxes in the several towns of the State."

On motion of Mr. Robertson, and by unanimous consent, said bill was ordered to a third reading.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend section 42 of article 3 of chapter 8 of part 2 of the Revised Statutes, entitled 'Of divorces dissolving the marriage contract,'" reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend section 42 of article 3, of title 1 of chapter 8 of part 2 of the Revised Statutes, entitled 'Of divorces dissolving the marriage contract,'" and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend chapter 654 of the Laws of 1869, entitled 'An act authorizing the construction of a railroad through certain streets in the city of Poughkeepsie, and through certain streets and roads in the town of Poughkeepsie, in the county of Dutchess,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend chapter 35 of the Laws of 1873, entitled 'An act to re-enact and amend an act entitled An act to incorporate the city of Yonkers, passed June 1, 1872,'" reported in favor

of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend chapter 36 of the Laws of 1873, entitled 'An act to provide for a supply of water in the city of Yonkers,' passed February 28, 1873," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act relative to lands in the city of New York, devised by Charlotte E. Jenkins, late of said city, deceased, authorizing the mortgaging or sale thereof, and the disposition of the proceeds thereof, in accordance with the provisions of the will of said deceased," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act making appropriations for the support of government," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Harris moved that the consideration of said bill be made a special order for Tuesday morning, March thirteenth, immediately after reading the journal.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act making an appropriation for the payment of a portion of the general fund State debt," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris moved that the consideration of said bill be made a special order for Tuesday morning, March thirteenth, immediately after reading the journal.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Tobey introduced a bill entitled "An act to consolidate the Tenth Judicial District of the city of New York with the Ninth Judicial District of said city, and to abolish the district court of the Tenth Judicial District," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Jacobs introduced a bill entitled "An act to incorporate the Brooklyn and Jersey City Ferry Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Also, a bill entitled "An act to provide for the revision and codification of the laws relating to the poor," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Baaden introduced a bill entitled "An act to amend chapter 628 of the Laws of 1857, entitled 'An act to suppress intemperance and to regulate the sale of intoxicating liquors,' passed April 16, 1857, and to amend an act entitled 'An act regulating the sale of intoxicating liquors,' passed April 11, 1870," which was read the first time, and by unanimous

consent was also read the second time, and referred to the committee on internal affairs.

Mr. Sprague introduced a bill entitled "An act to amend chapter 75 of the Laws of 1876, entitled 'An act to amend chapter 94 of the Laws of 1875, entitled An act to further amend chapter 680 of the Laws of 1871, entitled An act in relation to the location and erection of public buildings for the use of Erie county and the city of Buffalo;' also to amend chapter 680 of the Laws of 1871, entitled 'An act in relation to the location and erection of public buildings, for the use of Erie county and the city of Buffalo,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Assembly returned the bill entitled as follows :

An act to repeal chapter 116 of the Laws of 1836, entitled "An act to incorporate the Butternuts and Sherburne Turnpike Company, and to continue the turnpike therein authorized, and declaring it to be a public highway."

*Ordered,* That the Clerk deliver said bill to the Governor.

The Assembly returned the resolution requesting the Governor to return to the Senate the bill entitled "An act to amend chapter 125 of the Laws of 1874, entitled 'An act to provide for the establishment of a system of graded schools in the village of Ithaca,'" with a message that they had concurred therein.

*Ordered,* That the Clerk deliver said resolution to the Governor.

The Assembly sent for concurrence the bills entitled as follows :

"An act in relation to the Inebriates' Home for Kings county, and to amend chapter 514 of the Laws of 1871, entitled 'An act to amend an act entitled An act to incorporate the Inebriates' Home for Kings county,' passed May 9, 1867, and the act amendatory thereof, passed April 30, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to release certain lands which have escheated to the State, to Sarah Henesey, widow of John Fagan, late of Saratoga Springs, New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to release the interest of the people of the State of New York in certain real estate in the city of New York, to Letitia Hanson," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act for the relief of John Black, an alien," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to provide for the completion of the census or enumeration of the inhabitants of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act in relation to the bonded indebtedness of villages, cities, towns and counties," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The bill entitled "An act to amend chapter 176 of the Laws of 1851, entitled 'An act to amend the law for the assessment and collection of taxes,' and chapter 536 of the Laws of 1857, entitled 'An act to amend

chapter 18, part 1 of the Revised Statutes, entitled 'Of the assessment and collection of taxes,' and chapter 176 of the Laws of 1851," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Gerard	Robertson	Starbuck
Bixby	Hammond	St. John	Tobey
Bradley	Harris	Sayre	Vedder
Carpenter	Jacobs	Schoonmaker	Wagner
Coleman	Loomis	Selkreg	Woodin
Doolittle	Moore	Sprague	23

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

On motion of Mr. Coleman, and by unanimous consent, the rules were suspended and the committee of the whole were discharged from the further consideration of the Assembly bill entitled "An act to amend chapter 606 of the Laws of 1866, entitled 'An act to incorporate the village of Cambridge,' passed April 16, 1866, and the several acts amendatory thereof," and the same was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Robertson	Starbuck
Bradley	Harris	St. John	Tobey
Carpenter	Jacobs	Sayre	Vedder
Cole	Loomis	Schoonmaker	Wagner
Coleman	Moore	Sprague	Woodin
Doolittle	Prince		22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

A message was received from the Governor in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, March 9, 1877. }

*To the Senate:*

In accordance with a joint resolution of the Senate and Assembly, I have the honor to transmit herewith Senate bill No. 35, entitled "An act to amend chapter 125 of the Laws of 1874, entitled 'An act to provide for the establishment of a system of graded schools in the village of Ithaca,'" for amendment.

L. ROBINSON.

The President put the question whether the Senate would agree to reconsider the vote by which said bill was passed, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

# FOR THE AFFIRMATIVE.

Baaden	Doolittle	Morrissey	Sprague
Bixby	Emerson	Prince	Starbuck
Bradley	Harris	Robertson	Tobey
Carpenter	Jacobs	St. John	Vedder
Cole	Loomis	Sayre	Wagner
Coleman	Moore	Selkreg	Woodin

24

On motion of Mr. Selkreg, and by unanimous consent, said bill was amended as follows:

"Strike out all of section five."

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

# FOR THE AFFIRMATIVE.

Baaden	Gerard	Prince	Starbuck
Bixby	Hammond	Robertson	Tobey
Bradley	Jacobs	St. John	Vedder
Carpenter	Loomis	Sayre	Wagner
Cole	Moore	Selkreg	Wagstaff
Coleman	Morrissey	Sprague	Woodin
Emerson			

25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein, as amended.

The President presented a communication from the Comptroller, in response to a resolution of the Senate, relative to the geological survey and natural history of the State of New York; which was laid upon the table and ordered printed.

(See Doc. No. 42.)

On motion of Mr. Carpenter, and by unanimous consent, the rules were suspended, and the Senate in open session confirmed the nominations of certain Notaries Public.

The President presented a communication from the Regents of the University, in respect to the Sprague historical manuscripts; which were laid upon the table and ordered printed.

(See Doc. No. 40.)

On motion of Mr. Jacobs, and by unanimous consent, the Senate resolved itself into a committee of the whole, and proceeded to the consideration of the bill entitled as follows:

"An act to authorize the trustees of the New York and Brooklyn bridge to change the site of a portion of Frankfort street, between Pearl and Jacob streets, in the city of New York."

After some time spent therein the President resumed the chair, and Mr. Gerard, from said committee, reported in favor of the passage of the said named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

On motion of Mr. Jacobs, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Hammond	Prince	Starbuck
Carpenter	Harris	Robertson	Tobey
Cole	Jacobs	St. John	Vedder
Coleman	Lamont	Schoonmaker	Wagner
Doolittle	Loomis	Selkreg	Wagstaff
Emerson	Moore	Sprague	Woodin
Gerard	Morrissey		

26

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Robertson, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act to authorize the extension of the time for the collection of taxes in the several towns of the State," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bradley	Gerard	Prince	Tobey
Carpenter	Harris	Robertson	Vedder
Cole	Loomis	St. John	Wagner
Coleman	Moore	Sayre	Wagstaff
Doolittle	Morrissey	Sprague	Woodin
Emerson			

21

On motion of Mr. Robertson, and by unanimous consent, the rules were suspended, and the Clerk was ordered to return said bill to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act in relation to the Superintendent of Public Works," having been announced for a third reading,

On motion of Mr. Schoonmaker, and by unanimous consent, said bill was amended as follows :

Section 2, line 15, printed bill, strike out the word "comptroller," and insert the words "Superintendent of Public Works."

On motion of Mr. Harris, and by unanimous consent, said bill was amended as follows :

Section 5, line 1, printed bill, insert after the word "labor" the word "done." After the word "materials," insert the word "furnished." Strike out the words "done and furnished." Same section, line 3, after the word "department" insert the words "and all moneys therefor shall be drawn."

On motion of Mr. Woodin, and by unanimous consent, said bill was amended as follows :

Section 6, line 2, printed bill, strike out the words "by the Legislature or Canal Board," and insert after the word "done," same line, "by the Legislature or by the Canal Board in pursuance of law."

On motion of Mr. St. John, and by unanimous consent, said bill was amended as follows :

Section 2, line 3, printed bill, after the words "with all," insert the words "actual and."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Emerson	Moore	Sprague
Bradley	Gerard	Morrissey	Tobey
Carpenter	Hammond	Prince	Vedder
Cole	Harris	Robertson	Wagner
Coleman	Lamont	St. John	Wagstaff
Doolittle	Loomis	Schoonmaker	Woodin

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

By unanimous consent, Mr. Moore offered the following :

*Resolved*, That the bill No. 182, entitled "An act to amend section 4 of chapter 529 of the Laws of 1871, entitled 'An act to incorporate the superintendents of the fair grounds of the town of Oswegatchie, passed April 15, 1871, as amended by chapter 137 of the Laws of 1872,'" be considered in the first committee of the whole not full.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

By unanimous consent, Mr. Gerard offered the following :

*Resolved*, That the Commissioners of the Land Office report to the Senate a list of the grants made by them from May 1, 1850, of lands under water belonging to the State; specifying what grants have been made for promoting the commerce of the State, and what grants have been made gratuitously to individuals and others for their special benefit.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The bill entitled "An act to authorize the treasurer of Monroe county to sell property for unpaid taxes," having been announced for a third reading,

On motion of Mr. Emerson, and by unanimous consent, said bill was amended as follows :

Section 24, line 3, printed bill, strike out the words "as follows," and insert the words "fixed by the board of supervisors of said county of Monroe, at their first session after the passage of this act, before being so determined by said board of supervisors."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Hammond	Moore	Sprague
Bradley	Harris	Prince	Tobey
Cole	Jacobs	Robertson	Vedder



Emerson	Lamont	St. John	Wagner	
Gerard	Loomis	Schoonmaker	Wagstaff	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Cole moved that when the Senate adjourns, it adjourn to meet on Monday evening at half-past seven o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend the Revised Statutes relating to the 'assessment and collection of taxes.'"

"An act authorizing the taxation of stockholders of life, fire and marine insurance companies."

After some time spent therein, the President resumed the chair, and Mr. Prince, from said committee, reported progress on the said named bills, and asked and obtained leave to sit again.

Mr. Harris moved that the bill entitled "An act to amend chapter 341 of the Laws of 1872, entitled 'An act in reference to the Young Men's Association for mutual improvement in the city of Albany,'" be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Morrissey moved that the bill entitled "An act in relation to the estimates and apportionment for the board of education of the city of New York, and to amend chapter 308 of the Laws of 1874, entitled 'An act relative to the estimates and apportionment, for the support of the government of the city of New York,'" be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend section 4 of chapter 529 of the Laws of 1871, entitled 'An act to incorporate the superintendents of the fair grounds of the town of Oswegatchie, passed April 15, 1871, as amended by chapter 137 of the Laws of 1872.'"

"An act to amend chapter 341 of the Laws of 1872, entitled 'An act in reference to the Young Men's Association for mutual improvement in the city of Albany.'"

"An act in relation to the estimates and apportionment for the board of education of the city of New York, and to amend chapter 308 of the Laws of 1874, entitled 'An act relative to the estimates and apportionment for the support of the government of the city of New York.'"

After some time spent therein, the President resumed the chair, and Mr. Hammond, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Schoonmaker moved that the bill entitled "An act in relation to

the franchises and powers of the village of Athens," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Harris moved that the bill entitled "An act to amend chapter 35 of the Laws of 1849, entitled 'An act to incorporate the American Baptist Home Mission Society,' passed April 12, 1848," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act in relation to the franchises and powers of the village of Athens."

"An act to amend chapter 35 of the Laws of 1849, entitled 'An act to incorporate the American Baptist Home Mission Society,' passed April 12, 1848."

"An act to remove business disabilities from married women."

After some time spent therein, the President resumed the chair, and Mr. Bradley, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Bradley, from the same committee, reported in favor of the passage of the second named bill, with amendments, and the title amended so as to read "An act further to amend chapter 117 of the Laws of 1848, entitled 'An act to amend an act entitled An act to incorporate the American Baptist Home Mission Society,'" which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Bradley, from the same committee, reported in favor of the passage of the last named bill, with amendments, and the title amended so as to read "An act in relation to contracts by married women," which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to authorize the trustees of the New York and Brooklyn bridge to change the site of a portion of Frankfort street, between Pearl and Jacob streets, in the city of New York."

"An act to authorize the treasurer of Monroe county to sell property for unpaid taxes."

On motion of Mr. Bradley, the Senate adjourned.

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MONDAY, MARCH 12, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of Friday, March 9, was read and approved.

Mr. Coleman presented seven petitions of tax-payers of Rensselaer county, for a reduction of the salaries of county judge and surrogate of that county; which was read and referred to the committee on the judiciary.

Mr. Vedder presented a memorial and resolution relative to maintaining the Genesee Valley canal, adopted at a meeting held in Olean February 28, 1877; which was read and referred to the committee on canals.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend chapter 512 of the Laws of 1867, entitled 'An act to incorporate the village of Hart's Falls, in the county of Rensselaer, passed April 22, 1867,'" reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 512 of the Laws of 1867, entitled 'An act to incorporate the village of Hart's Falls, in the county of Rensselaer,'" and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was recommitted the bill entitled "An act to authorize the appointment and provide for the compensation of a stenographer of the special terms of the Supreme Court, held in the county of Westchester," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to incorporate Rapid Hose Company No. 1, of the city of Kingston, Ulster county, State of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act in relation to contracts by married women."

"An act further to amend chapter 117 of the Laws of 1843, entitled 'An act to incorporate the American Baptist Home Mission Society.'"

"An act to amend chapter 341 of the Laws of 1872, entitled 'An act in reference to the Young Men's Association for mutual improvement in the city of Albany.'"

"An act in relation to the estimates and apportionment for the board of education of the city of New York, and to amend chapter 308 of the Laws of 1874, entitled 'An act relative to the estimates and apportionment for the support of the government of the city of New York.'"

"An act in relation to the franchises and powers of the village of Athens."

"An act to amend section 4 of chapter 529 of the Laws of 1871, entitled 'An act to incorporate the superintendents of the fair grounds of the town of Oswegatchie, passed April 15, 1871, as amended by chapter 137 of the Laws of 1872.'"

The Assembly sent for concurrence the bills entitled as follows:

"An act to extend the time for the collection of taxes in the town of Wellsville, in the county of Allegany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to extend the time for the collection of taxes in the counties of Erie and Fulton," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act directing the Brooklyn Trust Company to pay over to the supervisor of the town of New Lots certain moneys deposited with them by the commissioners for the laying out, grading and improving Atlantic avenue, in the town of New Lots, in the county of Kings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same:

"An act to enable the commissioners of the alms-house of the city of Kingston to borrow a sum not exceeding \$10,000, and to provide for the payment thereof."

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur). That one thousand (1,000) extra copies of the report of the State Homœopathic Asylum for the Insane at Middletown, be printed for the use of the trustees of the asylum, and five hundred (500) for the use of the Legislature, provided that the cost thereof shall not exceed ten cents per page per 100 copies.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Harris introduced a bill entitled "An act for the better protection of property lying along plank-roads and turnpike roads," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Also, a bill entitled "An act to amend chapter 912 of the Laws of 1869, entitled 'An act to incorporate the city of Cohoes,' passed May 19, 1869, and the acts amendatory of the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Vedder introduced a bill entitled "An act to amend chapter 874 of the Laws of 1871, entitled 'An act authorizing the surrogates in the several counties to employ stenographers,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act authorizing the taxation of stockholders of life, fire and marine insurance companies."

"An act in relation to the imprisonment of convicts in the New York State reformatory at Elmira, and the government and release of such convicts by the managers."

Assembly, "An act to legalize the action of the village of Whitehall."

After some time spent therein, the President resumed the chair, and Mr. Carpenter, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Carpenter, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Carpenter, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to confirm the official acts of Wm. J. Merritt as notary public of Kings county."

Assembly, "An act to amend chapter 113 of the Laws of 1859, entitled 'An act in relation to the common schools in the village of Elmira,' passed April 4, 1859."

"An act to authorize the town of Wilna, in the county of Jefferson, to re-issue bonds to redeem and pay the bonds issued by said town in aid of the Utica and Black River Railroad Company, by virtue of chapter 624 of the Laws of 1866."

After some time spent therein, the President resumed the chair, and Mr. St. John, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. St. John, from the same committee, reported in favor of the passage of the second named bill, with amendments, and have amended the title thereof by striking out the words "passed April 4, 1859," which report was agreed to, and the same ordered to a third reading.

Mr. St. John, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Sprague moved that the bill entitled "An act further to amend chapter 519 of the Laws of 1870, entitled 'An act to revise the charter of the city of Buffalo,'" be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Vedder moved that indefinite leave of absence be granted to Mr. Wellman, on account of sickness.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to restrain brokers and individual bankers from imposing upon the public, and to protect the public from unauthorized banking."

"An act further to amend chapter 519 of the Laws of 1870, entitled 'An act to revise the charter of the city of Buffalo.'"

Assembly, "An act for the preservation of life at bathing places."

After some time spent therein, the President resumed the chair, and Mr. Coleman, from said committee, reported in favor of the passage of the first and second named bills, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Coleman, from the same committee, reported progress on the last named bills, and asked and obtained leave to sit again.

Mr. Sayre moved that the bill entitled "An act to confer additional powers upon the recorder of the city of Utica," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend chapter 683 of the Laws of 1871, entitled 'An act amending, revising and consolidating the several acts in relation to the village of Greenbush,' passed March 22, 1854, and April 29, 1863."

"An act to legalize the proceedings of the annual town meeting of the town of Westchester, in the county of Westchester, in relation to the purchase of fire apparatus, and to provide for carrying the same into effect."

"An act to confer additional powers upon the recorder of the city of Utica."

After some time spent therein the President resumed the chair, and Mr. Harris, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Harris, from the same committee, reported in favor of the passage of the last named bill, with amendments, and the title amended so as to read "An act in relation to the recorder's court of the city of Utica," which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to incorporate the New York State Bar Association."

"An act relative to evidence."

"An act to authorize the appointment and provide for the compensation of a stenographer of the special terms of the Supreme Court, held in the county of Westchester."

After some time spent therein, the President resumed the chair, and Mr. Schoonmaker, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act in relation to the property and families of absconding persons."

"An act to increase the number of firemen in the village of Canandaigua."

"An act to release to Edward Kennedy and others, the right, title and interest of the people of the State of New York to certain real estate in the city of New York."

After some time spent therein, the President resumed the chair, and Mr. Sayre, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Sayre, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Wagstaff moved that the bill entitled "An act to provide for the determination and payment of claims for goods, merchandise and material furnished and labor performed, in fitting up and furnishing armories and drill rooms in the city of New York," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to provide for the determination and payment of claims for goods, merchandise and material furnished, and labor performed, in fitting up and furnishing armories and drill rooms in the city of New York."

"An act to authorize the police department or board of police of any city to appoint policemen of district telegraph companies."

"An act to authorize the Utica and Black River Railroad Company to charge and collect a uniform rate of fare for passengers, on the roads operated by said company."

After some time spent therein, the President resumed the chair, and Mr. Loomis, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Loomis, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered engrossed for a third reading.

On motion of Mr. Starbuck, the Senate adjourned.

## TUESDAY, MARCH 13, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Loomis presented a remonstrance of tax-payers of the town of Otego, against abolishing the office of railroad commissioner, and disposing of moneys of said town ; which was read and referred to the committee on internal affairs.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act supplemental to chapter 335 of the Laws of 1875, entitled 'An act to re-organize the local government of the city of New York,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special orders, being the bills entitled as follows :

Assembly, "An act making an appropriation for the payment of a portion of the general fund State debt."

Assembly, "An act making appropriations for the support of government."

After some time spent therein, the President resumed the chair, and Mr. Prince, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Prince, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Harris moved that the further consideration of said bill be made a special order for this evening.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Assembly returned the Assembly bill entitled "An act in relation to the office of Superintendent of Public Works, defining the powers of the Superintendent, and prescribing the mode of disbursements on account of the canals," with a message that they had non-concurred in the amendments of the Senate thereto, and request a committee of conference thereon, and have appointed a committee on their part consisting of Messrs. Baker, Alvord, Braman, Spinola and Cozans.

Mr. Cole moved that a like committee of conference be appointed on the part of the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee, Messrs. Cole, Sprague and Schoonmaker.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same, as amended:

"An act to amend chapter 125 of the Laws of 1874, entitled 'An act to provide for the establishment of a system of graded schools in the village of Ithaca.'"

*Ordered,* That the Clerk deliver said bill to the Governor.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act supplemental to chapter 335 of the Laws of 1873, entitled 'An act to reorganize the local government of the city of New York,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder introduced a bill entitled "An act authorizing and directing the surrogate of Cattaraugus county to distribute to the collateral next of kin of David W. Smith, his legacy, under the last will and testament of his father, Russell Smith, deceased," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Jacobs introduced a bill entitled "An act to provide for the collection of unpaid assessments imposed or to be imposed pursuant to the provisions of section 8 of an act entitled 'An act to amend an act passed May 11, 1869, entitled An act to lay out and improve a public highway or avenue, from Prospect park, in the city of Brooklyn, towards Coney Island, in the county of Kings,' passed May 14, 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

Mr. Hammond introduced a bill entitled "An act to confirm the proceedings of the town meetings held in Geneva, authorizing the raising of money for road and bridge purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

On motion of Mr. Cole, the Senate took a recess until half-past seven o'clock.



## HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

By unanimous consent, Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act relating to the payment of assessments for local improvements in the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The Assembly returned the following entitled Assembly bill, with a message that they had concurred in the amendments of the Senate thereto:

"An act to authorize the extension of the time for the collection of taxes in the several towns of the State."

*Ordered*, That the Clerk return said bill to the Assembly.

The Assembly sent for concurrence the bill entitled as follows:

"An act to extend the time for the collection of taxes in the several towns in the county of Richmond, and to authorize the collectors of taxes in said towns to proceed with the collection thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows:

Assembly, "An act making appropriations for the support of government."

After some time spent therein the President resumed the chair, and Mr. Prince, from said committee, reported in favor of the passage of the said named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Hammond, from the committee on internal affairs, to which was referred the bill entitled "An act to confirm the proceedings of the town meeting held in Geneva, authorizing the raising of money for road and bridge purposes," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Doolittle, from the committee on militia, to which was referred the Assembly bill entitled "An act to amend chapter 270 of the Laws of 1876, entitled 'An act to incorporate the Grand Army of the Republic, Soldiers' Home of the State of New York, passed May 15, 1876,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

A message from the Assembly was received and read, as follows:

IN ASSEMBLY, *March 12, 1877.*

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the city of Elmira, passed May 17, 1875.'"

The vote upon the final passage of the same having been reconsidered, on motion of Mr. H. H. Rockwell, and by unanimous consent, the same was amended as follows:

Strike out of section 1 all after and including the word "also," and insert in place thereof the following: "Also, all the following described piece or parcel of land, viz.: Beginning at a point in the intersection of

the easterly line of Grove street with a line in the northerly line of the Conklin farm herein above mentioned; thence north seventy-four degrees east along a line in the north line of said Conklin farm 1,800 feet to a point in the westerly line of Davis street; thence north, 16 degrees west, along the westerly line of said Davis street 1,500 feet, to a point in the southeast corner of the Bancroft farm; thence south seventy-four degrees west along the southerly line of said Bancroft farm 1,410 feet, to a point in the easterly line of the Bancroft road; thence south thirty-five degrees west, along the easterly line of said Bancroft road 250 feet, to a point in the intersection of the easterly line of said Bancroft road with the easterly line of Grove street; thence south sixteen degrees east, along the easterly line of said Grove street 1,350 feet, to the place of beginning, shall be known as the city of Elmira." Strike out section 12, and renumber the sections that follow it.

And as amended passed, and ordered sent to the Senate for concurrence.

By order,

EDWARD M. JOHNSON, *Clerk*.

The President put the question whether the Senate would agree to reconsider the vote by which said bill was passed, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Hammond	Moore	Selkreg
Birby	Harris	Morrissey	Sprague
Bradley	Jacobs	Prince	Starbuck
Carpenter	Kennaday	Robertson	Tobey
Cole	Loomis	St. John	Wagstaff
Doolittle	McCarthy	Sayre	Woodin
Emerson			

25

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Birby	Gerard	McCarthy	Selkreg
Bradley	Hammond	Moore	Starbuck
Carpenter	Harris	Morrissey	Wagner
Cole	Jacobs	Prince	Wagstaff
Doolittle	Kennaday	Robertson	Woodin
Emerson	Loomis	St. John	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, as amended.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to authorize the police department or board of police of any city to appoint policemen of district telegraph companies."

"An act to authorize the Utica and Black River Railroad Company to charge and collect a uniform rate of fare, for passengers, on the roads operated by said company."

"An act to increase the number of firemen in the village of Canandaigua."

"An act to confirm the official acts of Wm. J. Merritt, as notary public of Kings county."

"An act to amend chapter 683 of the Laws of 1871, entitled 'An act amending, revising and consolidating the several acts in relation to the village of Greenbush,' passed March 22, 1854, and April 29, 1863."

"An act authorizing the taxation of stockholders of life, fire and marine insurance companies."

"An act relative to evidence."

"An act to legalize the proceedings of the annual town meeting of the town of Westchester, in the county of Westchester, in relation to the purchase of fire apparatus, and to provide for carrying the same into effect."

"An act to release to Edward Kennedy and others, the right, title and interest of the people of the State of New York to certain real estate in the city of New York."

"An act to restrain brokers and individual bankers from imposing upon the public, and to protect the public from unauthorized banking."

"An act to authorize the town of Wilna, in the county of Jefferson, to re-issue bonds to redeem and pay the bonds issued by said town in aid of the Utica and Black River Railroad Company, by virtue of chapter 624 of the Laws of 1866."

"An act to confer additional powers upon the recorder of the city of Utica."

"An act in relation to the imprisonment of convicts in the New York State reformatory at Elmira, and the government and release of such convicts by the managers."

"An act to authorize the appointment and provide for the compensation of a stenographer of the special terms of the Supreme Court, held in the county of Westchester."

"An act to provide for the determination and payment of claims for goods, merchandise and material furnished and labor performed, in fitting up and furnishing armories and drill rooms in the city of New York."

"An act, further to amend chapter 519 of the Laws of 1870, entitled 'An act to revise the charter of the city of Buffalo.'"

"An act in relation to the property and families of absconding persons."

"An act to incorporate the New York State Bar Association."

Mr. Woodin moved that the bill entitled "An act authorizing the taxation of stockholders of life, fire and marine insurance companies," be recommitted to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Carpenter	Harris	Robertson	Wagner	
Cole	Kennaday	St. John	Wagstaff	
Doolittle	Prince	Starbuck	Woodin	12

#### FOR THE NEGATIVE.

Bradley	Hammond	Loomis	Selkreg	
Gerard	Jacobs	Morrissey		7

By unanimous consent, Mr. Wagstaff asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to regulate proceedings against corporations by injunctions and otherwise, passed April 7, 1870,'" which was read the first time, and by unanimous con-

sent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Wagstaff asked and obtained leave to introduce a bill entitled "An act providing for reports of births, marriages and deaths, the registry of vital statistics and the regulation of interments," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

On motion of Mr. Wagstaff the Senate adjourned.

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### WEDNESDAY, MARCH 14, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Robertson presented petitions of the chairmen of various committees in the twenty-third ward of the city of New York, for an amendment of chapter 515 of the Laws of 1874; which was read and referred to the committee on the affairs of cities.

Mr. Sprague presented a petition relative to an appropriation by the common council of the city of Buffalo, for the construction of Taylor Hose Company building; which was read and referred to the committee on the affairs of cities.

Mr. Kennaday presented a petition of Caroline Kertz, for the release and conveyance to her of the interest of the State in certain property; which was read and referred to the committee on the judiciary.

Mr. Wagner presented a petition of Sarah Henry, for the release of the interest of the State in certain property situated in Saratoga county; which was read and referred to the committee on the judiciary.

Mr. Starbuck presented a petition of citizens of Lewis county, for the appointment of a special game constable, to protect deer in the winter; which was read and referred to the committee on internal affairs.

Mr. McCarthy, from the committee on literature, to which was referred the bill entitled "An act to amend chapter 667 of the Laws of 1870, entitled 'An act to incorporate the Brooklyn Library Building Fund Association of the Eastern District,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Tobey, from the committee on insurance, to which was referred the Assembly bill entitled "An act to extend the charter of the Glen Cove Mutual Insurance Company, passed March 29, 1837, as the same was modified and amended by chapter 40 of the Laws of 1857, passed February 29, 1857," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to extend the corporate existence and charter of the Glen Cove Mutual Insurance Company."

On motion of Mr. Prince, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to review assessments in the city of

Buffalo," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

\*Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 75 of the Laws of 1876, entitled 'An act to amend chapter 94 of the Laws of 1875, entitled An act to further amend chapter 680 of the Laws of 1871, entitled An act in relation to the location and erection of public buildings, for the use of Erie county and the city of Buffalo; also, to amend chapter 680 of the Laws of 1871, entitled An act in relation to the location and erection of public buildings, for the use of Erie county and the city of Buffalo,'" reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to extend the time to complete the city and county hall in the city of Buffalo, and the terms of the commissioners appointed for that purpose," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act in regard to assessments in the city of Buffalo," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to extend the time for the collection of taxes in the counties of Erie and Fulton," reported adversely thereto, which report was agreed to, and said bill rejected.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the passage of the same.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to extend the time for the collection of taxes in the town of Plattsburgh, in the county of Clinton," reported adversely thereto, which report was agreed to, and said bill rejected.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the passage of the same.

Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act to incorporate the Grand Lodge of the Ancient Order of United Workmen of the State of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The President announced the following appointment: For Page—Wm. Apps, in place of John H. Gunther, resigned.

Mr. Loomis introduced a bill entitled "An act in relation to summary proceedings to recover possession of land in cases of forcible entries and detainers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Robertson introduced a bill entitled "An act to amend chapter 515 of the Laws of 1874, entitled 'An act to amend an act entitled An act to re-organize the local government of the city of New York, passed April 30, 1873,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Kennaday introduced a bill entitled "An act to release and convey to Caroline Kertz the interest of the people of the State of New York in

certain real estate," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Sprague introduced a bill entitled "An act to further amend the charter of the city of Buffalo," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to authorize the mayor and common council of the city of Buffalo to make an appropriation to re-imburse claimants for advances made to construct a building for Taylor Hose Company No. 1 of Buffalo," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to incorporate the Buffalo Pipe Line Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

Mr. Baaden introduced a bill entitled "An act to define the duties of pawnbrokers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to amend chapter 330 of the Laws of 1865, entitled 'An act to incorporate the Butchers' Hide and Melting Association of the city of New York,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

The bill entitled "An act to amend chapter 341 of the Laws of 1872, entitled 'An act in reference to the Young Men's Association for mutual improvement in the city of Albany,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Schoonmaker
Bixby	Harris	Prince	Sprague
Bradley	Jacobs	Robertson	Wagner
Carpenter	Kennaday	St. John	Wagstaff
Cole	Loomis	Sayre	Woodin
Emerson			

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to the franchises and powers of the village of Athens," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Gerard	Prince	Selkreg
Bixby	Harris	Robertson	Sprague
Bradley	Kennaday	St. John	Starbuck
Carpenter	Loomis	Sayre	Wagner

Cole	Moore	Schoonmaker	Wagstaff	22
Emerson	Morrissey			

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend section 4 of chapter 529 of the Laws of 1871, entitled 'An act to incorporate the superintendents of the fair grounds of the town of Oswegatchie, passed April 15, 1871, as amended by chapter 137 of the Laws of 1872,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Schoonmaker	
Bixby	Hammond	Prince	Selkreg	
Bradley	Harris	Robertson	Sprague	
Carpenter	Jacobs	St. John	Starbuck	
Cole	Loomis	Sayre	Wagner	
Emerson	Moore			22

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act further to amend chapter 117 of the Laws of 1843, entitled 'An act to incorporate the American Baptist Home Mission Society,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Morrissey	Sayre	
Bixby	Gerard	Prince	Schoonmaker	
Bradley	Harris	Robertson	Selkreg	
Carpenter	Jacobs	St. John	Sprague	
Cole	Moore			18

## FOR THE NEGATIVE.

Starbuck				1
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*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act in relation to the estimates and apportionment for the board of education of the city of New York, and to amend chapter 308 of the Laws of 1874, entitled 'An act relative to the estimates and apportionment for the support of the government of the city of New York,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Schoonmaker
Bixby	Gerard	Morrissey	Selkreg
Bradley	Harris	Prince	Sprague

Carpenter	Jacobs	Robertson	Starbuck
Cole	Kennaday	St. John	Wagstaff
Doolittle	Loomis	Sayre	23

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to legalize the action of the village of Whitehall," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate, voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Emerson	Morrissey	Selkreg
Bixby	Gerard	Prince	Sprague
Bradley	Harris	Robertson	Starbuck
Carpenter	Kennaday	St. John	Wagner
Cole	Loomis	Sayre	Wagstaff
Coleman	Moore	Schoonmaker	Woodin
Doolittle			25

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 113 of the Laws of 1859, entitled 'An act in relation to the common schools in the village of Elmira,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Selkreg
Bixby	Gerard	Morrissey	Starbuck
Bradley	Harris	Robertson	Wagner
Carpenter	Jacobs	St. John	Wagstaff
Cole	Kennaday	Sayre	Woodin
Coleman	Loomis	Schoonmaker	23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The bill entitled "An act to authorize the police department or board of police of any city to appoint policemen of district telegraph companies," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Selkreg
Bixby	Hammond	Morrissey	Sprague
Bradley	Harris	Prince	Starbuck
Carpenter	Jacobs	Robertson	Wagner



Col  
EnSayre  
SchoonmakerWagstaff  
Woodin

26

ti

Coleman  
Doolittle  
EmersonKennaday  
Loomis  
McCarthy

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.  
The bill entitled "An act to authorize the Utica and Black River Railroad Company to charge and collect a uniform rate of fare, for passengers, on the roads operated by said company," was read a third time.  
The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Robertson	Selkreg
Bixby	Gerard	St. John	Sprague
Carpenter	Harris	Sayre	Wagner
Cole	Kennaday	Schoonmaker	Wagstaff
Coleman	Loomis		

18

## FOR THE NEGATIVE.

Starbuck

2

Moore

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to restrain brokers and individual bankers from imposing upon the public, and to protect the public from unauthorized banking," having been announced for a third reading,

On motion of Mr. Loomis, and by unanimous consent, said bill was amended as follows:

Section 2, line 9, printed bill, strike out the words "word unincorporated upon the sign, and the." Amend the title so as to read "An act in relation to brokers and bankers."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	Schoonmaker
Bixby	Hammond	Prince	Selkreg
Carpenter	Harris	Robertson	Starbuck
Coleman	Jacobs	St. John	Wagstaff
Doolittle	Loomis	Sayre	

19

## FOR THE NEGATIVE.

Cole

Emerson

2

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to legalize the proceedings of the annual town meeting of the town of Westchester, in the county of Westchester, in relation to the purchase of fire apparatus, and to provide for carrying the same into effect," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Coleman	McCarthy	Schoonmaker
Bixby	Gerard	Prince	Starbuck
Bradley	Harris	Robertson	Wagner
Carpenter	Jacobs	St. John	Wagstaff
Cole	Loomis	Sayre	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to release to Edward Kennedy and others, the right, title and interest of the people of the State of New York to certain real estate in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Morrissey	Selkreg
Bixby	Gerard	Prince	Sprague
Bradley	Harris	Robertson	Starbuck
Carpenter	Jacobs	St. John	Wagner
Cole	Kennaday	Sayre	Wagstaff
Coleman	Loomis	Schoonmaker	Woodin
Doolittle	Moore		

26

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein, as amended.

The bill entitled "An act to amend chapter 683 of the Laws of 1871, entitled 'An act amending, revising and consolidating the several acts in relation to the village of Greenbush,' passed March 22, 1854, and April 29, 1863," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Schoonmaker
Bixby	Gerard	Moore	Selkreg
Bradley	Harris	Morrissey	Starbuck
Carpenter	Jacobs	Robertson	Wagner
Cole	Kennaday	St. John	Wagstaff
Coleman	Loomis	Sayre	Woodin

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to confirm the official acts of Wm. J. Merritt as notary public of Kings county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Sayre
Bixby	Emerson	Morrissey	Schoonmaker
Bradley	Gerard	Prince	Starbuck

Coleman	Kennaday	Sayre	Wagstaff	26
Doolittle	Loomis	Schoonmaker	Woodin	
Emerson	McCarthy			

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the Utica and Black River Railroad Company to charge and collect a uniform rate of fare, for passengers, on the roads operated by said company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Robertson	Selkreg	18
Bixby	Gerard	St. John	Sprague	
Carpenter	Harris	Sayre	Wagner	
Cole	Kennaday	Schoonmaker	Wagstaff	
Coleman	Loomis			

## FOR THE NEGATIVE.

Moore	Starbuck	2
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to restrain brokers and individual bankers from imposing upon the public, and to protect the public from unauthorized banking," having been announced for a third reading,

On motion of Mr. Loomis, and by unanimous consent, said bill was amended as follows :

Section 2, line 9, printed bill, strike out the words " word unincorporated upon the sign, and the." Amend the title so as to read "An act in relation to brokers and bankers."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	Schoonmaker	19
Bixby	Hammond	Prince	Selkreg	
Carpenter	Harris	Robertson	Starbuck	
Coleman	Jacobs	St. John	Wagstaff	
Doolittle	Loomis	Sayre		

## FOR THE NEGATIVE.

Cole	Emerson	2
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to legalize the proceedings of the annual town meeting of the town of Westchester, in the county of Westchester, in relation to the purchase of fire apparatus, and to provide for carrying the same into effect," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Coleman	McCarthy	Schoonmaker
Bixby	Gerard	Prince	Starbuck
Bradley	Harris	Robertson	Wagner
Carpenter	Jacobs	St. John	Wagstaff
Cole	Loomis	Sayre	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to release to Edward Kennedy and others, the right, title and interest of the people of the State of New York to certain real estate in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Baaden	Emerson	Morrissey	Selkreg
Bixby	Gerard	Prince	Sprague
Bradley	Harris	Robertson	Starbuck
Carpenter	Jacobs	St. John	Wagner
Cole	Kennaday	Sayre	Wagstaff
Coleman	Loomis	Schoonmaker	Woodin
Doolittle	Moore		

26

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein, as amended.

The bill entitled "An act to amend chapter 683 of the Laws of 1871, entitled 'An act amending, revising and consolidating the several acts in relation to the village of Greenbush,' passed March 22, 1854, and April 29, 1863," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Schoonmaker
Bixby	Gerard	Moore	Selkreg
Bradley	Harris	Morrissey	Starbuck
Carpenter	Jacobs	Robertson	Wagner
Cole	Kennaday	St. John	Wagstaff
Coleman	Loomis	Sayre	Woodin

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to confirm the official acts of Wm. J. Merritt as notary public of Kings county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Sayre
Bixby	Emerson	Morrissey	Schoonmaker
Bradley	Gerard	Prince	Starbuck

Carpenter	Kennaday	Robertson	Wagner
Cole	Loomis	St. John	Wagstaff
Coleman			

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to increase the number of firemen in the village of Canandaigua," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Schoonmaker
Bixby	Gerard	Moore	Selkreg
Bradley	Hammond	Morrissey	Sprague
Carpenter	Jacobs	Robertson	Starbuck
Cole	Kennaday	St. John	Wagner
Coleman	Loomis	Sayre	Woodin

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the town of Wilna, in the county of Jefferson, to re-issue bonds to redeem and pay the bonds issued by said town in aid of the Utica and Black River Railroad Company, by virtue of chapter 624 or the Laws of 1866," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Selkreg
Bixby	Gerard	Moore	Starbuck
Bradley	Hammond	Morrissey	Vedder
Carpenter	Harris	Robertson	Wagner
Cole	Jacobs	St. John	Wagstaff
Coleman	Loomis	Schoonmaker	

23

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act relating to evidence," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Hammond	Robertson	Starbuck
Bixby	Harris	St. John	Vedder
Bradley	Loomis	Sayre	Wagner
Carpenter	McCarthy	Schoonmaker	Wagstaff
Coleman	Moore	Selkreg	Woodin
Gerard	Prince	Sprague	

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to the recorder's court of the city of Utica," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Robertson	Starbuck
Bixby	Emerson	St. John	Vedder
Bradley	Gerard	Sayre	Wagner
Carpenter	Harris	Schoonmaker	Wagstaff
Cole	Loomis	Selkreg	Woodin
Coleman	Moore	Sprague	23

*Ordered,* That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act in relation to the imprisonment of convicts in the New York State reformatory at Elmira, and the government and release of such convicts by the managers," having been announced for a third reading,

Mr. Harris moved that said bill be recommitted to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Harris	Prince	Tobey
Bixby	Jacobs	Robertson	Vedder
Bradley	Kennaday	St. John	Wagner
Cole	Loomis	Schoonmaker	Wagstaff
Doolittle	McCarthy	Sprague	Woodin
Gerard	Moore	Starbuck	23

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the appointment and provide for the compensation of a stenographer of the special terms of the Supreme Court held in the county of Westchester," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Harris	Prince	Starbuck
Bixby	Jacobs	Robertson	Tobey
Cole	Kennaday	St. John	Vedder
Coleman	Loomis	Schoonmaker	Wagner

Doolittle  
Gerard

McCarthy  
Moore

Selkreg  
Sprague

Wagstaff  
Woodin 24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the New York State Bar Association," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof as follows :

FOR THE AFFIRMATIVE.

Baaden  
Bixby  
Bradley  
Cole  
Coleman  
Doolittle

Emerson  
Gerard  
Harris  
Jacobs  
Kennaday  
Moore

Prince  
Robertson  
St. John  
Schoonmaker  
Selkreg

Sprague  
Tobey  
Wagner  
Wagstaff  
Woodin

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to provide for the determination and payment of claims for goods, merchandise and materials furnished, and labor performed, in fitting up and furnishing armories and drill rooms in the city of New York," having been announced for a third reading,

On motion of Mr. Gerard, and by unanimous consent, said bill was amended as follows :

Strike out the words "and services," in lines 10 and 18, section 1, and after word "as," in line 10, insert the words "shall have been found actually necessary and requisite for the exclusive uses and purposes of an armory and drill room and shall."

Mr. Gerard moved that said bill be recommitted to the committee on the affairs of cities, with instructions to amend as follows :

Strike out the words "goods, merchandise, or," in line 9, the words "and furnishing," in line 11 of section 1.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Gerard moved that said bill be recommitted to the committee on the affairs of cities, with instructions to amend as follows :

Section 1, line 10, strike out the word "furnished," and insert the words "ordered by the board of supervisors."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

On motion of Mr. Gerard, and by unanimous consent, said bill was amended as follows :

Section 2, line 5, after the word "claim," insert the words "due notice of the hearing shall be given by each claimant to the corporation counsel of the city of New York, whose duty it shall be to attend on such hearing and protect the interests of the city."

On motion of Mr. Gerard, and by unanimous consent, said bill was amended as follows :

Add as section 6 the following :

§ 6. No claim shall be acted upon under this act by said commission, unless the same shall be presented within six months after this act goes into effect."

Change section 6 to section 7.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Gerard	Loomis	Sayre
Bixby	Hammond	Moore	Starbuck
Bradley	Harris	Morrissey	Tobey
Carpenter	Jacobs	Prince	Wagner
Coleman	Kennaday	St. John	Wagstaff
			20

FOR THE NEGATIVE.

Cole	McCarthy	Selkreg	Vedder
Doolittle	Robertson	Sprague	Woodin
Emerson			9

When the name of Mr. Emerson was called, he asked to be excused from voting.

The President put the question whether the Senate would grant said request, and it was decided in the negative.

Mr. Emerson subsequently voted in the negative.

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act further to amend chapter 519 of the Laws of 1870, entitled 'An act to revise the charter of the city of Buffalo,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Gerard	Prince	Starbuck
Bixby	Jacobs	Robertson	Tobey
Bradley	Kennaday	St. John	Vedder
Carpenter	Loomis	Sayre	Wagner
Cole	McCarthy	Selkreg	Wagstaff
Coleman	Moore	Sprague	Woodin
Doolittle			25

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

By unanimous consent, Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled 'An act to amend chapter 143 of the Laws of 1861, entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861, and the various acts amendatory thereof, relating to the city of Rochester," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Woodin offered the following :

*Resolved* (if the Assembly concur), That there be printed for the use of the Legislature 1,000 copies of the report of the commission to devise a plan for the government of cities in the State of New York."

Mr. Prince moved to amend the resolution by striking out the words "one thousand," and insert the words "twenty-five hundred."



The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Woodin, and by unanimous consent, the rules were suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Morrissey	Starbuck
Bradley	Jacobs	Prince	Tobey
Carpenter	Kennaday	Robertson	Vedder
Cole	Loomis	St. John	Wagner
Coleman	McCarthy	Sayre	Wagstaff
Doolittle	Moore	Selkreg	Woodin

24

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

The conference committee, appointed by the Senate and Assembly to consider and determine the matters of difference arising between the two houses upon the bill entitled "An act in relation to the office of superintendent of public works, defining the powers of the superintendent and prescribing the mode of disbursements on account of the canals," having met and duly considered said matters, have agreed to concur in the amendments made by the Senate to sections 1, 2 and 4; and further agreed and recommend that section 3 of engrossed bill be amended so as to read as follows:

Section 3. The superintendent of public works shall have the power, and it shall be his duty, to purchase, from time to time, all materials which shall be necessary for use in keeping the canals and structures thereof in safe condition for good navigation.

As to the remainder of the matters in difference your committee were unable to agree.

Respectfully submitted,

D. H. COLE,

E. C. SPRAGUE,

A. SCHOONMAKER, JR.,

*Senate Committee.*

ISAAC V. BAKER, JR.,

T. G. ALVORD,

WATERS W. BRAMAN,

F. B. SPINOLA,

*Assembly Committee.*

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Sprague
Bradley	Hammond	Prince	Starbuck
Carpenter	Harris	Robertson	Tobey
Cole	Jacobs	St. John	Vedder
Coleman	Kennaday	Sayre	Wagner
Doolittle	McCarthy	Selkreg	Wagstaff

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference thereon.

The President presented a resolution of the Canal Board, relative to amending section 1, chapter 384, of the Laws of 1876, entitled "An act respecting the powers of the Canal Board, and the adjustment of tolls,"

by including the "Oneida Lake canal;" which was read and referred to the committee on canals.

By unanimous consent, Mr. Tobey, from the committee on insurance, to which was referred the bill entitled "An act to amend an act entitled 'An act regulating the forfeiture of life insurance policies,' passed May 15, 1876," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 341 of the Laws of 1876, entitled 'An act regulating the forfeiture of life insurance policies,'" and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to amend an act entitled 'An act supplemental to chapter 60 of the Laws of 1813, entitled An act to provide for the incorporation of religious societies and of the several acts amendatory thereof,' passed April 11, 1876," reported the same with amendments thereto, and the title amended so as to read "An act to amend chapter 110 of the Laws of 1876, entitled 'An act supplemental to chapter 60 of the Laws of 1813, entitled An act to provide for the incorporation of religious societies,' and of the several acts amendatory thereof, passed April 11, 1876," and directed their chairman to report the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the bill, entitled "An act to amend an act entitled 'An act supplementary to chapter 60 of the Laws of 1813, entitled An act to provide for the incorporation of religious societies and the acts supplementary thereto,' passed April 26, 1876," reported the same with amendments thereto, and the title amended so as to read "An act to amend chapter 176 of the Laws of 1876, entitled 'An act supplementary to chapter 60 of the Laws of 1813, entitled An act to provide for the incorporation of religious societies and the acts supplementary thereto,' passed April 26, 1876," and directed their chairman to report the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the bill, entitled "An act to amend an act, entitled 'An act to incorporate the New York Real Estate Exchange,' passed May 9, 1867," reported adversely thereto, which report was agreed to, and said bill rejected.

By unanimous consent, Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the Assembly bill, entitled "An act to amend chapter 381 of the Laws of 1875, entitled 'An act supplemental to an act entitled An act to provide for the incorporation of religious societies,' passed April 5, 1813, and of the several acts amendatory thereof," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Vedder asked and obtained leave to introduce a bill, entitled "An act authorizing and confirming a lease made by Benjamin Lewis and other Seneca Indians to George A. Berry, of the right to transmit crude petroleum oil through a pipe over certain lands on the Allegany reservation, and authorizing said George A. Berry to use such lands for that purpose," which was read the first time, and by

unanimous consent was also read the second time, and referred to the committee on Indian affairs.

By unanimous consent, Mr. Starbuck asked and obtained leave to introduce a bill, entitled "An act to amend chapter 295 of the Laws of 1876, entitled 'An act to authorize the presiding judge or justice of courts of Oyer and Terminer to grant new trials,' passed May 15, 1876," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

On motion of Mr. Jacobs, the Senate adjourned.

### THURSDAY, MARCH 15, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. McCarthy presented a petition of the Central New York Conference of the Methodist Episcopal Church, for the improvement of the condition of the Onondaga Indians; which was read and referred to the committee on Indian affairs.

Mr. Starbuck presented a petition of tax-payers of Jefferson county, for an act for the assessment and taxation of all the property in the State according to its true money value; which was read and referred to the committee on finance.

Mr. Wagstaff presented a remonstrance of tax-payers of the city of New York against an elevated railroad in said city, and a petition in favor of a depressed road running through the center of the blocks and under the streets of said city; which was read and referred to the committee on railroads.

Mr. Hammond presented a memorial of the faculty of Hobart College, relative to the State survey; which was read and referred to the committee on finance.

Mr. Vedder presented a petition of residents of the State of New York, in favor of granting to women the right to serve upon school boards; which was read and laid upon the table.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill, entitled "An act to release and convey to Caroline Kertz the interest of the People of the State of New York in certain real estate," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to release and convey to Caroline Kertz the interest of the People of the State of New York, in certain real estate in the city of Brooklyn," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill, entitled "An act to require the clerks of the several boards of supervisors of the several counties of this State, to transmit copies of the proceedings of the several boards of supervisors to the Librarian of the State Library," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to provide the State Library with the proceedings of boards of supervisors," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill, entitled "An act in relation to collectors and receivers of taxes," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill, entitled "An act to release certain lands which have escheated to the State to Sarah Henesy, widow of John Fagan, late of Saratoga Springs, New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill, entitled "An act to extend the time for the collection of taxes in the town of Wellville, in the county of Alleghany," reported adversely thereto, which report was agreed to, and said bill rejected.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the passage of the same.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill, entitled "An act to decrease the number of assessors in the town of Aurora, county of Erie, and to determine their terms of office," reported adversely thereto, which report was agreed to, and said bill rejected.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the passage of the same.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill, entitled "An act to confirm the official acts of Dougald E. Cameron, heretofore elected a justice of the peace for the town of Caledonia, in the county of Livingston," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to legalize the official acts of Dougald E. Cameron as a justice of the peace in and for the town of Caledonia, in the county of Livingston," and said bill was committed to the committee of the whole.

Mr. Moore, from the committee on agriculture, to which was referred the Assembly bill, entitled "An act to regulate voting in the Western New York Agricultural Society," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Cole, from the committee on canals, to which was referred the bill, entitled "An act to authorize the Canal Commissioners to close the feeder of the Erie canal in Rochester," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to authorize the Canal Board to close the feeder of the Erie canal at Rochester," and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill, entitled "An act to provide for the construction of fishways in the State dams across the Oswego, Oneida and Seneca rivers," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on Indian affairs, to which was referred the bill entitled "An act authorizing and confirming a lease made by Benjamin Lewis and other Seneca Indians to George A. Berry, of the right to transmit crude petroleum oil through a pipe over certain lands

on the Allegany reservation, and authorizing said George A. Berry to use such lands for that purpose," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Vedder, and by unanimous consent, the rules were suspended, and the committee of the whole was discharged from the further consideration of said bill, and the same was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	Prince	Selkreg
Carpenter	Gerard	Robertson	Sprague
Cole	Harris	St. John	Starbuck
Coleman	McCarthy	Sayre	Vedder
Doolittle	Moore		

18

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. St. John introduced a bill entitled "An act to confer upon the trustees of the village of Middletown, in the county of Orange, in this State, power to restrain and regulate the construction of wooden buildings, structures, additions or improvements, and to cause the removal or repairs of unsafe walls or chimneys," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Prince introduced a bill entitled "An act to authorize The Richmond County Storage and Business Company to reduce the number of its directors," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

Mr. Emerson introduced a bill entitled "An act to amend chapter 605 of the Laws of 1875, entitled 'An act in relation to the county treasurers of the counties of Monroe and Seneca,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

Mr. Jacobs introduced a bill entitled "An act to amend chapter 583 of the Laws of 1874, entitled 'An act to lay out and improve a public highway or avenue and concourse in construction of a public highway or avenue heretofore laid out from Prospect Park, in the city of Brooklyn, toward Coney Island, in the county of Kings, as amended by chapter 489 of the Laws of 1875,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Sprague introduced a bill entitled "An act to amend chapter 849 of the Laws of 1872, entitled 'An act to incorporate the Buffalo Catholic Institute,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Kennaday introduced a bill entitled "An act to incorporate the Grand Central Railway Company of Bolivia," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Robertson introduced a bill, entitled "An act for the relief of Abel

Crook," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Harris introduced a bill entitled "An act to provide for security for costs in certain actions at law, and prevent malicious litigations," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to legalize the State and county taxes in the city of Cohoes, Albany county, for the years 1870, 1871, 1872, 1873, 1874, 1875, and to provide for the collection thereof, and to authorize the sale of lands in the city of Cohoes for unpaid State and county taxes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

The bill entitled "An act in relation to the property and families of absconding persons," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Loomis	Robertson
Bradley	Gerard	McCarthy	St. John
Carpenter	Hammond	Moore	Selkreg
Cole	Harris	Morrissey	Sprague
Coleman	Jacobs	Prince	Starbuck
Doolittle	Kennaday		

22

*Ordered,* That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The Assembly bill entitled "An act to extend the charter of the Glen Cove Mutual Insurance Company, passed March 29, 1837, as the same was modified and amended by chapter 40 of the Laws of 1857, passed February 19, 1857," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Loomis	Robertson
Bradley	Gerard	McCarthy	St. John
Carpenter	Harris	Moore	Selkreg
Cole	Jacobs	Morrissey	Sprague
Coleman	Kennaday	Prince	Tobey
Doolittle	Lamont		

22

On motion of Mr. Prince, and by unanimous consent, the rules were suspended, and the Clerk was ordered to return said bill to the Assembly immediately, with a message informing that the Senate had concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act making an appropriation for the payment of a portion of the general fund State debt," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Kennaday	Robertson
Bixby	Emerson	Loomis	St. John
Bradley	Gerard	McCarthy	Selkreg
Carpenter	Hammond	Moore	Sprague
Cole	Harris	Morrissey	Tobey
Coleman	Jacobs	Prince	23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act making appropriations for the support of government," having been announced for a third reading Mr. McCarthy moved that said bill be recommitted to committee on finance, with instructions to amend as follows :

Insert immediately before the item for an appropriation for rent of Governor's residence, the following: "For the purchase of a furnished executive mansion, \$50,000 or so much as may be necessary. The Governor, Speaker of the Assembly and President *pro tem.* of the Senate are hereby appointed a commission to make such purchase. In case such purchase be not made."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Selkreg
Bradley	Hammond	Morrissey	Sprague
Cole	Harris	Prince	Starbuck
Coleman	Loomis	Sayre	Tobey
Doolittle			17

## FOR THE NEGATIVE.

Carpenter	Jacobs	Kennaday	Moore
Emerson			5

Mr. Harris, from the committee on finance, to which was referred the Assembly bill, entitled "An act making appropriations for the support of government," report that the committee have made the amendments thereto, as instructed, and directed their chairman to report the same to the Senate.

Mr. Jacobs moved to recommit said bill to the committee on finance with instructions to amend as follows :

Strike out the words, in engrossed bill, in the items for "Insurance Department," the following: "And the further sum of \$25,000 for compensation and expenses of examination of insurance companies;" also, change the words "fifty thousand," in line 31, engrossed bill, to "sixty thousand."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Jacobs	Sayre
Bixby	Gerard	Kennaday	Selkreg
Bradley	Hammond	St. John	Starbuck
			12

## FOR THE NEGATIVE.

Carpenter	Loomis	Prince	Tobey
Cole	McCarthy	Robertson	Vedder

Coleman	Moore	Sprague	Wagstaff	
Harris				18

Mr. Jacobs moved to recommit said bill to the committee on finance with instructions to amend same as follows :

Strike out the words "and the further sum of \$25,000 for compensation and expenses of examination of insurance companies."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Bixby	Gerard	Kennaday	Selkreg	
Bradley	Jacobs	Sayre	Starbuck	
Doolittle				9

FOR THE NEGATIVE.

Baaden	Hammond	Moore	Sprague	
Carpenter	Harris	Prince	Tobey	
Cole	Loomis	Robertson	Vedder	
Coleman	McCarthy	St. John	Wagstaff	16

Mr. Bradley moved to recommit said bill to the committee on finance with instructions to amend as follows :

Insert, in lieu of the item terminating the office of the commissioners to revise the statutes, the following : "The term of Montgomery H. Throop, as commissioner to revise the Statutes under chapter 33 of the Laws of 1870, is continued to, and shall terminate on, the first day of May, 1878, and so much as may be necessary of the moneys heretofore appropriated for payment of the salaries and expenses of the commissioners appointed under that act, is hereby re-appropriated to pay the salary and expenses of the said commissioner whose term of office is hereby continued. The term of office of the other two commissioners is hereby terminated and abolished, and, so far as practicable, the duties of the said commissioner shall hereafter be limited to the mere arrangement and collation of the statutes."

Mr. Prince moved to recommit said bill to the committee on finance, with instructions to amend by restoring the item relative to commissioners, as the same was passed by the Assembly, namely :

"For the commissioners to revise the statutes, appointed under chapter 33 of the Laws of 1870, for their salaries, from October 1, 1877, to May 1, 1878, when their term of office will expire, \$8,750; for their expenses for clerical services, and other incidental matters, \$3,500; and, in addition thereto, \$1,750, for the general expenses of the commission, to be expended under the direction of the commissioners."

Pending which,

On motion of Mr. Jacobs, the Senate took a recess until half-past seven o'clock.

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HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

The Senate resumed the third reading of the Assembly bill, entitled "An act making appropriations for the support of government."

The President stated the question to be upon the amendment proposed by Mr. Prince.



The President put the question whether the Senate would agree to the amendment of Mr. Prince, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Kennaday	Robertson	Starbuck	
Carpenter	Moore	St. John	Vedder	
Doolittle	Prince	Sprague	Wagstaff	12

## FOR THE NEGATIVE.

Bixby	Gerard	Loomis	Selkreg	
Cole	Hammond	McCarthy	Tobey	
Coleman	Harris	Morrissey	Wagner	
Emerson	Jacobs	Sayre		15

The President then put the question upon the amendment of Mr. Bradley, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Hammond				1
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## FOR THE NEGATIVE.

Baaden	Gerard	Morrissey	Sprague	
Bixby	Harris	Prince	Starbuck	
Carpenter	Jacobs	Robertson	Tobey	
Cole	Kennaday	St. John	Vedder	
Coleman	Loomis	Sayre	Wagner	
Doolittle	McCarthy	Selkreg	Wagstaff	
Emerson	Moore			26

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Sprague	
Bixby	Hammond	Morrissey	Starbuck	
Carpenter	Harris	Prince	Tobey	
Cole	Jacobs	Robertson	Vedder	
Coleman	Kennaday	St. John	Wagner	
Doolittle	Loomis	Sayre	Wagstaff	
Emerson	McCarthy	Selkreg		27

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly returned the Assembly bill entitled "An act in relation to the Superintendent of Public Works," with a message that they had agreed to the report of the committee of conference thereon, and that they have also concurred in the remaining amendments of the Senate thereto.

*Ordered*, That the Clerk return said bill to the Assembly.

Mr. Harris, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act authorizing and confirming a lease made by Benjamin Lewis and other Seneca Indians to George A. Berry, of the right to transmit

crude petroleum oil through a pipe over certain lands on the Allegany reservation, and authorizing said George A. Berry to use such lands for that purpose."

By unanimous consent, Mr. Wagstaff asked and obtained leave to introduce a bill entitled "An act in relation to insurance brokers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

By unanimous consent, Mr. Vedder asked and obtained leave to introduce a bill entitled "An act to declare Chipmunk creek, in Cattaraugus county, a public highway," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

On motion of Mr. Vedder the Senate adjourned.

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## FRIDAY, MARCH 16, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Lamont presented a petition of lawyers of Schoharie county, for the repeal of the act known as the Code of Remedial Justice; which was read and committed to the committee of the whole.

Mr. Coleman presented a petition of tax-payers of Rensselaer county, for a reduction of the salaries of the county judge and surrogate of said county; which was read and referred to the committee on the judiciary.

Mr. Prince presented a petition of Jesse Brown, Jr., and W. D. Wadlington, in relation to the bill relative to the estate of Jesse Brown, deceased; which was read and referred to the committee on the judiciary.

Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act to legalize the State and county taxes in the city of Cohoes, Albany county, for the years 1870, 1871, 1872, 1873, 1874 and 1875, and to provide for the collection thereof, and to authorize the sale of lands in the city of Cohoes for unpaid State and county taxes," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act to amend chapter 605 of the Laws of 1875, entitled 'An act in relation to the county treasurers of the counties of Monroe and Seneca,'" reported in favor of the passage of the same (Mr. Moore, dissenting), and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on insurance, to which was referred the Assembly bill entitled "An act to provide for the completion of the census or enumeration of the inhabitants of this State," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act in relation to the Inebriates' Home for Kings county, and to amend chapter 514 of the Laws of 1871, entitled

'An act to amend an act entitled An act to incorporate the Inebriates' Home for Kings county, passed May 9, 1867, and the act amendatory thereof, passed April 30, 1868," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to provide means for the support of the Inebriates' Home for Kings county, and for the government of the said home, and to amend the several acts relating thereto, passed May 9, 1867, April 30, 1868, May 14, 1872, and June 21, 1875," and said bill was committed to the committee of the whole.

Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to change the name of the First Presbyterian Society in the town of Shelby, Orleans county," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 323 of the Laws of 1853, entitled 'An act to authorize religious corporations to change their names,'" and said bill was committed to the committee of the whole.

Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to amend chapter 176 of the Laws of 1876, entitled 'An act supplementary to chapter 60 of the Laws of 1813, entitled An act to provide for the incorporation of religious societies and act supplementary thereto,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the petition of the commissioners to revise the statutes, praying for the passage of "An act to amend the Code of Remedial Justice," reported that the committee have had the same under consideration, and have concluded to report a bill, entitled "An act to amend chapter 448 of the Laws of 1876, entitled 'An act relative to courts, officers of justice and civil proceedings,' and to provide for the publication of the act as amended," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Sprague moved that 2,000 extra copies of said bill be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Baaden	Coleman	Kennaday	St. John
Bixby	Doolittle	Loomis	Sayre
Bradley	Emerson	Morrissey	Selkreg
Carpenter	Harris	Prince	Tobey
Cole	Jacobs	Robertson	Vedder

20

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 295 of the Laws of 1876, entitled "An act to authorize the presiding judge or justice of courts of Oyer and Terminer to grant new trials," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release the interest of the People of the State of New York, in certain real estate in the city of New York, to Letitia Hanson," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The President presented the report of the Commissioners of the Land Office, relative to grants made of lands under water, in response to a resolution of the Senate; which was laid upon the table and ordered printed.

(See Doc. No. 4.)

Mr. Prince introduced a bill entitled "An act in relation to the city government of Long Island City," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act relative to the receivers of taxes of the towns of Flushing, Newtown, Hempstead and Jamaica, in Queens county, and the collectors of taxes of the towns of Oyster Bay and North Hempstead, in said county, and regulating the assessment and collection of State, county and town taxes therein," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Kennaday introduced a bill entitled "An act authorizing life insurance companies that register policies, to deposit to the account of such policies, New York city and Brooklyn city bonds," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

Mr. Baaden introduced a bill entitled "An act consolidating the several excise laws, and making a uniform law for the suppression of intemperance and regulating the sale of intoxicating liquors," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Starbuck introduced a bill entitled "An act to authorize the mayor of any city in this State to appoint special policemen on application, and at the expense of any bank or banks located in such city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Mr. Emerson introduced a bill entitled "An act to establish the compensation of the county judge and the surrogate of Monroe county, pursuant to the fifteenth section of the amended sixth article of the Constitution," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

On motion of Mr. Starbuck and by unanimous consent, the rules were suspended and the Assembly bill entitled "An act to amend the charter of the Watertown Fire Insurance Company, organized under the general act to incorporate fire insurance companies, December 7, 1867," was ordered considered in first committee of the whole.

On motion of Mr. Emerson and by unanimous consent, the rules were suspended and the bill entitled "An act to provide for the appointment of an additional number of notaries public," was ordered considered in first committee of the whole.

On motion of Mr. Wagstaff and by unanimous consent, the rules were suspended and the committee of the whole were discharged from the further consideration of the Assembly bill, entitled "An act to provide for the completion of the court-house, in the third judicial district, in the city of New York," and the same was ordered to a third reading.

On motion of Mr. Sprague and by unanimous consent, the rules were suspended and the bill entitled "An act to review assessments in the city of Buffalo," was ordered considered in first committee of the whole.

On motion of Mr. Morrissey and by unanimous consent, the rules were suspended and the bill entitled "An act relating to the payment of assessments for local improvements in the city of New York," was ordered considered in first committee of the whole not full.

Mr. Bixby introduced a bill entitled "An act to amend chapter 476 of the Laws of 1875, entitled 'An act to provide for a uniform system for the repavement of streets, avenues and public places in the city of New York,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Selkreg offered the following:

*Resolved*, That the printing committee report to the Senate, within ten days, a list in detail of the work actually performed for the year 1876, by the present contractor for the legislative printing, and the amount paid therefor by the State. Also, that the said committee obtain from Messrs. C. Van Benthuyzen & Co., The Argus Co., and Messrs. Weed, Parsons & Co., statements showing what would have been the charge to the State under their respective bids for legislative printing, tendered in January, 1876, and upon which the contract was awarded February 8, 1876, for performing the same work; and that, for the purpose of obtaining such information, the said committee on printing are hereby authorized to send for persons and papers.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Jacobs moved that when the Senate adjourns to-day it adjourn to meet on Monday evening at 8 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to review assessments in the city of Buffalo."

Assembly, "An act to amend the charter of the Watertown Fire Insurance Company organized, under the general act to incorporate fire insurance companies, December 7, 1867."

"An act to provide for the appointment of an additional number of notaries public."

After some time spent therein the President resumed the chair, and Mr. Harris, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Harris, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Harris, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

On motion of Mr. Harris, and by unanimous consent, the rules were suspended, and it was ordered that the Senate go into executive session at half-past 12 o'clock.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act relating to the payment of assessments for local improvements in the city of New York."

"An act to incorporate the New York Female Auxiliary Bible Society."

"An act authorizing the taxation of stockholders of life, fire and marine insurance companies."

After some time spent therein, the President resumed the chair, and Mr. Lamont, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Lamont, from the same committee, reported progress on the second and last named bills, and asked and obtained leave to sit again.

Mr. Loomis moved that the Assembly bill entitled "An act to provide for the superintendent of the poor of the county of Otsego, to be keeper of the poor-house of said county," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The hour of twelve o'clock and thirty minutes having arrived, the Senate went into executive session, and after some time spent therein, the doors were opened, and the Senate resumed legislative business.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to provide for the superintendent of the poor of the county of Otsego, to be the keeper of the poor-house of said county."

"An act to repeal chapter 74 of the Laws of 1866, entitled 'An act to create a metropolitan sanitary district and board of health therein, for the preservation of life and health and to prevent the spread of disease,' so far as relates to Queens county, and to provide for the appointment of boards of health in the several towns of Newtown, Flushing and Jamaica, in said county, and defining their powers and duties."

"An act to provide for the reduction of the number of directors in fire insurance companies."

After some time spent therein, the President resumed the chair, and Mr. Moore, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Moore, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Moore, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills and concurrent resolution entitled as follows:

"An act to amend chapter 159 of the Laws of 1873, entitled 'An act authorizing the election of a police justice in the town of Newtown, Queens county, and prescribing his duties and compensation.'"

"An act further to amend chapter 510 of the Laws of 1869, entitled 'An act to amend an act entitled An act to amend an act entitled An act to incorporate the village of Flushing, passed April 15, 1837, and the several acts amendatory thereof,' passed March 20, 1857."

"Resolved (if the Assembly concur), That section 6, of article 3, of the Constitution, be amended so as to read as follows:

§ 6. Each member of the Legislature shall receive for his services an annual salary of one thousand dollars. The members of either House shall also receive the sum of one dollar for every ten miles they shall travel in going to, and returning from, their place of meeting, once in each session, on the most usual route. Senators, when the Senate alone is convened in extraordinary session, or when serving as members of the court for the trial of impeachments, and such members of the Assembly, not exceeding nine in number, as shall be appointed managers of an impeachment, shall receive an additional allowance of ten dollars a day.

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature, to be chosen at the next general election of Senators, and that in conformity to section 1 of article 13 of the Constitution, it be published for three months previous to the time of such election."

After some time spent therein the President resumed the chair, and Mr. Vedder, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Vedder, from the same committee, reported progress on the second named bill, and asked leave to sit again.

Mr. Prince moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Vedder, from the same committee, reported progress on said concurrent resolution, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act in relation to the names of insurance companies."

"An act in relation to the powers and duties of the State Commissioner in Lunacy."

"An act to release to Margery Farren the right, title and interest of the People of the State of New York in and to certain real estate in the city of Brooklyn."

After some time spent therein, the President resumed the chair, and Mr. Bradley, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Bradley, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to authorize a tax of one-third of a mill per dollar of valuation to provide for a deficiency in the sinking fund, under section 3 of article 7 of the Constitution."

"An act to confirm the titles of certain persons to real estate questioned by reason of alienage of former owners."

Assembly, "An act to amend chapter §17 of the Laws of 1873, entitled 'An act regulating the deposit of securities by plate-glass insurance companies.'"

After some time spent therein, the President resumed the chair, and Mr. Bixby, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Bixby, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Bixby, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Carpenter moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to authorize the appointment of an additional assistant physician for the 'Willard asylum for the insane.'"

"An act further to amend chapter 569 of the Laws of 1870, entitled 'An act to authorize the sale of lands belonging to and occupied by the Seaman's Retreat, on Staten Island.'"

Assembly, "An act in relation to running ferry boats by the Union Ferry Company of Brooklyn, across the East river."

After some time spent therein, the President resumed the chair, and Mr. Kennaday, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Kennaday, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to legalize and confirm the proceedings of the common council of the city of Buffalo, in relation to certain streets."

"An act to empower the board of education of the educational district of Seneca Falls to appoint an assessor for such district."

"An act to repeal sections 3, 4, 5, 6 and 8 of chapter 392 of the Laws of 1873, entitled 'An act for the relief of the Corning library.'"

After some time spent therein, the President resumed the chair, and Mr. Cole, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered engrossed for a third reading.

By unanimous consent, Mr. Vedder offered the following:

*Resolved*, That the Clerk, in calling the list of general orders, continue the same from day to day, in regular order, until the list is called through before returning to the head of the list.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, on the bills entitled as follows:

"An act further to amend chapter 106 of the Laws of 1865, entitled 'An act to incorporate the New York Infant Asylum.'"



"An act in relation to a fund or property proceeding from the trustees for the Society of United Christian Friends, in the city of New York, a religious corporation, or from the congregation or society of said corporation."

"An act to incorporate the Greenwood Lake Sportsman's Club."

After some time spent therein, the President resumed the chair, and Mr. Hammond, from said committee, reported in favor of the passage of first and second named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Hammond, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

On motion of Mr. Jacobs the Senate adjourned.

## MONDAY, MARCH 19, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of Friday, March 16, was read and approved.

Mr. Sayre presented a petition of citizens of Oneida county for the enactment of a law authorizing the appointment of special game constables; which was read and referred to the committee on internal affairs.

Mr. Vedder presented a petition of members of the bar of Cattaraugus county for the repeal of the Code of Remedial Justice; which was read and referred to the committee on the judiciary.

Mr. Harris, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act in relation to the powers and duties of the State Commissioner in Lunacy."

"An act in relation to the names of insurance companies."

"An act to empower the board of education of the educational district of Seneca Falls, to appoint an assessor for such district."

"An act to confirm the title of certain persons to real estate questioned by reason of alienage of former owners."

"An act to authorize the appointment of an additional assistant physician for the 'Willard asylum for the insane.'"

"An act to provide for the appointment of an additional number of notaries public."

"An act to release to Margery Farren the right, title and interest of the People of the State of New York, in and to certain real estate in the city of Brooklyn."

"An act to legalize and confirm the proceedings of the common council of the city of Buffalo, in relation to certain streets."

"An act to repeal sections 3, 4, 5, 6 and 8 of chapter 392 of the Laws of 1873, entitled 'An act for the relief of the Corning library.'"

"An act further to amend chapter 569 of the Laws of 1870, entitled 'An act to authorize the sale of lands belonging to and occupied by the Seaman's Retreat, on Staten Island.'"

"An act to amend chapter 159 of the Laws of 1873, entitled 'An act authorizing the election of a police justice in the town of Newtown, Queens county, and prescribing his duties and compensation.'"

"An act further to amend chapter 106 of the Laws of 1865, entitled 'An act to incorporate the New York Infant Asylum.'"

"An act to repeal chapter 74 of the Laws of 1866, entitled 'An act to create a metropolitan sanitary district and board of health therein, for the preservation of life and health and to prevent the spread of disease,' so far as relates to Queens county, and to provide for the appointment of boards of health in the several towns of Newtown, Flushing and Jamaica, in said county, and defining their powers and duties."

"An act further to amend chapter 510 of the Laws of 1869, entitled 'An act to amend an act entitled An act to amend an act, entitled An act to incorporate the village of Flushing, passed April 15, 1837, and the several acts amendatory thereof,' passed March 20, 1857."

"An act to review assessments in the city of Buffalo."

"An act relating to the payment of assessments for local improvements in the city of New York."

"An act in relation to a fund or property proceeding from the trustees for the Society of United Christian Friends, in the city of New York, a religious corporation, or from the congregation or society of said corporation."

Mr. Harris introduced a bill entitled "An act in relation to the salaries of officers and persons paid from the treasury of the city of Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

On motion of Hammond, and by unanimous consent, the bill entitled "An act authorizing the taxation of stockholders of life, fire and marine insurance companies," was ordered to be considered in first committee of the whole, on Tuesday, March twentieth.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act in relation to certain moneys belonging to the United States deposited with the State of New York for safe-keeping, generally known as the United States deposit fund."

Assembly, "An act to regulate the execution and transfer of negotiable instruments given for patent rights."

"An act to incorporate the New York Female Auxiliary Bible Society."

After some time spent therein, the President resumed the chair, and Mr. Wellman, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Wellman, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Wellman, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

The Assembly returned the following entitled Assembly bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to amend chapter 113 of the Laws of 1859, entitled 'An act in relation to the common schools in the village of Elmira.'"

"An act to extend the corporate existence and charter of the Glen Cove Mutual Insurance Company."

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the Assembly bill entitled "An act making appropriations for the support of government," with a message that they had non-concurred in the amendments of the Senate thereto, and request a committee of conference thereon, and had appointed a committee on their part consisting of Messrs. Husted, Hogeboom, Post Graham and Bradley.

Mr. Harris moved that a committee of conference be appointed on the part of the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee Messrs. Harris, Moore and Hammond.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have appointed a committee of conference thereon.

By unanimous consent, Mr. Wagstaff asked and obtained leave to introduce a bill entitled "An act in relation to the improvement of the Croton aqueduct in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Vedder asked and obtained leave to introduce a bill entitled "An act to amend chapter 182 of the Laws of 1876, entitled 'An act in relation to evidence in criminal cases,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bill entitled as follows:

"An act to amend chapter 564 of the Laws of 1872, entitled 'An act to amend the charter of the village of Carthage, Jefferson county.'"

"An act to amend chapter 358 of the Laws of 1863, entitled 'An act establishing a quarantine and defining the qualifications, duties and powers of the health officer for the harbor and port of New York.'"

"An act to provide for the reduction of the number of directors in fire insurance companies."

After some time spent therein, the President resumed the chair, and Mr. Vedder, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Vedder, from the same committee, reported in favor of the passage of the last named bill, with amendments, and have amended the title thereof by inserting after the word "fire," the words "and marine," which report was agreed to, and the same ordered engrossed for a third reading.

On motion of Mr. Starbuck, the Senate adjourned.

## TUESDAY, MARCH 20, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Wagstaff presented a memorial of the "Friends of Temperance Union" for the repeal of the excise laws; which was read and referred to the committee on internal affairs.

Mr. Sprague presented a petition of stockholders of the Buffalo Park, for exemption from the provisions of the act relative to pools; which was read and referred to the committee on internal affairs.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act to amend chapter 246 of the Laws of 1876, entitled 'An act to authorize the supervisor and railroad commissioners of the town of Otego, in the county of Otsego, to pay over and dispose of certain surplus moneys in the hands of said railroad commissioners arising of the sale of the railroad stock of said town,'" reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Harris, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend chapter 358 of the Laws of 1863, entitled 'An act establishing a quarantine and defining the qualifications, duties and powers of the health officer for the harbor and port of New York.'"

"An act to amend chapter 564 of the Laws of 1872, entitled 'An act to amend the charter of the village of Carthage, Jefferson county.'"

"An act to provide for the reduction of the number of directors in fire and marine insurance companies."

"An act in relation to certain moneys belonging to the United States, deposited with the State of New York for safe-keeping, generally known as the United States deposit fund."

Mr. Harris introduced a bill entitled "An act further to amend chapter 77 of the Laws of 1870, entitled 'An act to amend an act to combine into one act the several acts relating to the city of Albany, passed April 12, 1842, and the several acts amendatory thereof, so far as they relate to the city of Albany,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to amend chapter 77 of the Laws of 1870, section 4 of chapter 536 of the Laws of 1871, and section 6 of chapter 302 of the Laws of 1872, passed respectively April 15, 1871, and April 22, 1872, entitled An act to amend the act to combine into one act the several acts relating to the city of Albany, passed April 12, 1842, and the several acts amendatory thereof, in so far as they relate to the city of Albany,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Jacobs introduced a bill entitled "An act to amend chapter 166 of the Laws of 1874, entitled 'An act to incorporate the Maritime Associ-

ation of the port of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

The bill entitled "An act further to amend chapter 569 of the Laws of 1870, entitled 'An act to authorize the sale of lands belonging to and occupied by the Seaman's Retreat, on Staten Island,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Starbuck
Bradley	Gerard	Moore	Tobey
Carpenter	Harris	Robertson	Vedder
Cole	Jacobs	Sayre	Wagner
Coleman	Kennaday	Selkreg	Wellman
Doolittle	Loomis		

22

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act further to amend chapter 106 of the Laws of 1865, entitled 'An act to incorporate the New York Infant Asylum,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Gerard	Loomis	Starbuck
Bradley	Hammond	McCarthy	Tobey
Carpenter	Harris	Moore	Vedder
Cole	Jacobs	Robertson	Wagner
Coleman	Kennaday	Sayre	Wagstaff
Doolittle	Lamont	Selkreg	Wellman
Emerson			

25

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 159 of the Laws of 1873, entitled 'An act authorizing the election of a police justice in the town of Newtown, Queens county, and prescribing his duties and compensation,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Selkreg
Bradley	Hammond	Moore	Starbuck
Carpenter	Harris	Prince	Tobey
Cole	Jacobs	Robertson	Wagner
Coleman	Kennaday	St. John	Wagstaff

Doolittle	Lamont	Sayre	Wellman	
Emerson	Loomis			26

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to repeal sections 3, 4, 5, 6 and 8 of chapter 392 of the Laws of 1873, entitled 'An act for the relief of the Corning library,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Selkreg	
Bradley	Hammond	Moore	Starbuck	
Carpenter	Jacobs	Prince	Tobey	
Cole	Kennaday	Robertson	Vedder	
Coleman	Lamont	St. John	Wagner	
Doolittle	Loomis	Sayre	Wagstaff	
Emerson				25

## FOR THE NEGATIVE.

Wellman	1
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to release to Margery Farren the right, title and interest of the people of the State of New York in and to certain real estate in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Starbuck	
Bradley	Hammond	Moore	Tobey	
Carpenter	Harris	Prince	Vedder	
Cole	Jacobs	Robertson	Wagner	
Coleman	Kennaday	St. John	Wagstaff	
Doolittle	Lamont	Sayre	Wellman	
Emerson	Loomis	Selkreg		27

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to confirm the title of certain persons to real estate questioned by reason of alienage of former owners," having been announced for a third reading,

On motion of Mr. Kennaday, and by unanimous consent, said bill was amended as follows :

"Section 1, line 1, strike out the word "and" and insert the word "or."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Starbuck
Bradley	Gerard	Moore	Tobey
Carpenter	Hammond	Morrissey	Vedder
Cole	Jacobs	Robertson	Wagner
Coleman	Kennaday	Sayre	Wellman
Doolittle	Loomis	Selkreg	23

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to provide for the appointment of an additional number of notaries public," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	McCarthy	Selkreg
Bradley	Emerson	Moore	Tobey
Carpenter	Jacobs	Morrissey	Vedder
Cole	Kennaday	Robertson	Wellman
Coleman	Lamont		18

## FOR THE NEGATIVE.

Gerard	Harris	St. John	Starbuck
Hammond	Loomis	Sayre	Wagner
			8

*Ordered,* That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act to authorize the appointment of an additional assistant physician for the 'Willard asylum for the insane,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Loomis	Selkreg
Bradley	Hammond	McCarthy	Starbuck
Carpenter	Harris	Moore	Tobey
Cole	Jacobs	Morrissey	Vedder
Coleman	Kennaday	Robertson	Wagner
Doolittle	Lamont	St. John	Wellman
Emerson			25

*Ordered,* That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act to empower the board of education of the educational district of Seneca Falls, to appoint an assessor for such district," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Loomis	Selkreg
Bradley	Hammond	McCarthy	Starbuck
Carpenter	Harris	Moore	Tobey
Cole	Jacobs	Morrissey	Vedder
Coleman	Kennaday	Robertson	Wagner
Doolittle	Lamont	St. John	Wellman
Emerson			

25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to repeal chapter 74 of the Laws of 1866, entitled 'An act to create a metropolitan sanitary district and board of health therein, for the preservation of life and health and to prevent the spread of disease,' so far as relates to Queens county, and to provide for the appointment of boards of health in the several towns of Newtown, Flushing and Jamaica, in said county, and defining their powers and duties," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate, voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Moore	Starbuck
Bradley	Gerard	Morrissey	Tobey
Carpenter	Harris	Robertson	Vedder
Cole	Jacobs	St. John	Wagner
Coleman	Loomis	Sayre	Wagstaff
Doolittle	McCarthy	Selkreg	Wellman

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act further to amend chapter 510 of the Laws of 1869, entitled 'An act to amend an act entitled An act to amend an act entitled An act to incorporate the village of Flushing, passed April 15, 1837, and the several acts amendatory thereof,' passed March 20, 1857," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Selkreg
Bradley	Gerard	Moore	Tobey
Carpenter	Hammond	Morrissey	Vedder
Cole	Harris	Robertson	Wagner
Coleman	Kennaday	St. John	Wagstaff
Doolittle	Loomis	Sayre	Wellman

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to review assessments in the city of Buffalo," was read a third time.



The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Starbuck
Bradley	Harris	Morrissey	Tobey
Carpenter	Jacobs	Robertson	Vedder
Cole	Kennaday	St. John	Wagner
Coleman	Loomis	Sayre	Wagstaff
Doolittle	McCarthy	Selkreg	Wellman
Emerson			

25

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to the names of insurance companies," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof as follows :

FOR THE AFFIRMATIVE.

Bixby	Emerson	Loomis	Starbuck
Bradley	Gerard	McCarthy	Tobey
Carpenter	Hammond	Morrissey	Vedder
Cole	Harris	Robertson	Wagner
Coleman	Kennaday	St. John	Wellman
Doolittle	Lamont	Sayre	

23

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act relating to the payment of assessments for local improvements in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Gerard	Loomis	Starbuck
Bradley	Hammond	McCarthy	Tobey
Carpenter	Harris	Morrissey	Vedder
Coleman	Jacobs	Robertson	Wagner
Doolittle	Kennaday	Sayre	Wagstaff
Emerson	Lamont	Selkreg	Wellman

24

*Ordered,* That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act in relation to a fund or property proceeding from the trustees for the Society of United Christian Friends, in the city of New York, a religious corporation, or from the congregation or society of said corporation," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Starbuck
Bradley	Hammond	Moore	Tobey
Carpenter	Harris	Morrissey	Wagner
Cole	Jacobs	Robertson	Wagstaff
Coleman	Kennaday	St. John	Wellman
Doolittle	Loomis	Sayre	

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to the powers and duties of the State Commissioner in Lunacy," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Tobey
Bradley	Gerard	Moore	Vedder
Carpenter	Hammond	Morrissey	Wagner
Cole	Harris	Prince	Wagstaff
Coleman	Kennaday	Robertson	Wellman
Doolittle	Loomis		

22

FOR THE NEGATIVE.

Jacobs	Sayre	Selkreg	Starbuck
Lamont			

5

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend the charter of the Watertown Fire Insurance Company, organized under the general act to incorporate fire insurance companies, December 7, 1867," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Hammond	Moore	Starbuck
Bradley	Harris	Morrissey	Tobey
Carpenter	Jacobs	Prince	Vedder
Cole	Kennaday	Robertson	Wagner
Coleman	Loomis	Sayre	Wagstaff
Doolittle	McCarthy	Selkreg	Wellman
Gerard			

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide for the superintendent of the poor of the county of Otsego to be the keeper of the poor-house of said county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a major-

ity of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Starbuck
Bradley	Hammond	Moore	Tobey
Carpenter	Harris	Morrissey	Vedder
Cole	Jacobs	Prince	Wagner
Coleman	Kennaday	Robertson	Wagstaff
Doolittle	Lamont	Sayre	Wellman
Emerson	Loomis	Selkreg	27

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 817 of the Laws of 1878, entitled 'An act regulating the deposit of securities by plate-glass insurance companies,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Tobey
Bradley	Gerard	Morrissey	Vedder
Carpenter	Harris	Prince	Wagner
Cole	Jacobs	Robertson	Wagstaff
Coleman	Kennaday	Sayre	Wellman
Doolittle	Loomis		22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act in relation to running ferry boats by the Union Ferry Company of Brooklyn, across the East river," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Selkreg
Bradley	Gerard	Moore	Tobey
Carpenter	Harris	Morrissey	Vedder
Cole	Jacobs	Robertson	Wagner
Coleman	Kennaday	St. John	Wagstaff
Doolittle	Loomis	Sayre	Wellman
			24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act to authorize a tax of one-third of a mill per dollar of valuation to provide for a deficiency in the sinking fund, under section 3 of article 7 of the Constitution," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Starbuck
Bradley	Hammond	Morrissey	Tobey
Carpenter	Harris	Robertson	Vedder
Cole	Jacobs	St. John	Wagner
Coleman	Loomis	Sayre	Wagstaff
Doolittle	McCarthy	Selkreg	Wellman
Emerson			

25

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to regulate the execution and transfer of negotiable instruments given for patent rights," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	Moore	Starbuck
Bradley	Harris	Morrissey	Vedder
Carpenter	Jacobs	Robertson	Wagner
Cole	Lamont	Sayre	Wagstaff
Coleman	Loomis	Selkreg	Wellman
Doolittle	McCarthy		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The bill entitled "An act to provide for the reduction of the number of directors in fire and marine insurance companies," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Harris	Robertson	Vedder
Carpenter	Loomis	St. John	Wagner
Coleman	McCarthy	Sayre	Wagstaff
Doolittle	Moore	Starbuck	Wellman
Gerard	Morrissey		

18

FOR THE NEGATIVE.

Bradley	Hammond	Lamont	Selkreg
Cole			

5

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 358 of the Laws of 1863, entitled 'An act establishing a quarantine and defining the qualification'

duties and powers of the health officer for the harbor and port of New York," having been announced for a third reading,

On motion of Mr. Bixby, and by unanimous consent, said bill was amended as follows:

Section 1, line 22, strike out the word "two" and insert the word "one."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Doolittle	Morrissey	Starbuck	
Bradley	Gerard	Robertson	Vedder	
Carpenter	Harris	St. John	Wagner	
Cole	McCarthy	Sayre	Wagstaff	
Coleman	Moore	Selkreg	Wellman	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 564 of the Laws of 1872, entitled 'An act to amend the charter of the village of Carthage, Jefferson county,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Morrissey	Starbuck	
Bradley	Hammond	Robertson	Vedder	
Carpenter	Jacobs	St. John	Wagner	
Cole	Loomis	Sayre	Wagstaff	
Coleman	McCarthy	Selkreg	Wellman	
Doolittle	Moore			22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to provide for the completion of the court-house in the third judicial district, in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	Morrissey	Starbuck	
Bradley	Gerard	Robertson	Vedder	
Carpenter	Hammond	St. John	Wagner	
Cole	Loomis	Sayre	Wellman	
Coleman	McCarthy	Selkreg	Wagstaff	
Doolittle	Moore			22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to provide for making to the New York Infirmary for Women and Children, the same allowances and payments for the care and maintenance of lying-in and nursing women, as are now provided by law for the New York Infant Asylum."

"An act authorizing the taxation of stockholders of life, fire and marine insurance companies."

After some time spent therein, the President resumed the chair, and Mr. McCarthy, from the same committee, reported in favor of the passage of the first named bill, and have amended the title by striking out the words "the same," which report was agreed to, and the same ordered engrossed for a third reading.

Mr. McCarthy, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Hammond moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Bradley	Hammond	Moore	Selkreg	
Carpenter	Jacobs	Morrissey	Vedder	
Coleman	Lamont	Sayre	Wellman	
Gerard				13

FOR THE NEGATIVE.

Bixby	Kennaday	Robertson	Tobey	
Doolittle	McCarthy	St. John	Wagner	
Emerson	Prince	Starbuck	Wagstaff	
Harris				13

Mr. Hammond moved to reconsider the vote by which said motion was lost, and that the same be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Jacobs, the Senate took a recess until half-past seven o'clock, P. M.

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HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

On motion of Mr. Woodin, and by unanimous consent, the bill entitled "An act supplemental to chapter 335 of the Laws of 1873, entitled 'An act to re-organize the local government of the city of New York,'" was made a special order for Tuesday, March twenty-seventh, immediately after reading the journal.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to authorize the payment of certain moneys out of the State treasury to the heir-at-law of James Green, deceased."

Assembly, "An act to facilitate the construction of narrow gauge railroads, and to amend chapter 560 of the Laws of 1871, entitled 'An act to amend an act entitled An act to authorize the formation of railroad corporations and to regulate the same, passed April 2, 1850,' passed April 19, 1871."

"An act to incorporate the Greenwood Lake Sportsman's Club."

After some time spent therein, the President resumed the chair, and Mr. Carpenter, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Carpenter, from the same committee, reported in favor of the passage of the second named bill, with amendments, and have amended the title thereof by striking therefrom the words "passed April 19, 1871," which report was agreed to, and the same ordered to a third reading.

Mr. Carpenter, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to authorize the Comptroller to audit and allow certain accounts for supplies and building material furnished to the Superintendent of the State Asylum for Insane Convicts in Auburn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act in relation to the United States Deposit Fund," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

By unanimous consent, Mr. Coleman, from the committee on banks, to which was referred the bill entitled "An act authorizing the taxation of stockholders of banks," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Coleman, from the committee on banks, to which was referred the bill entitled "An act to authorize the mayor of any city in the State to appoint special policemen on application and at the expense of any bank or banks located in such city," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Coleman, from the committee on banks, to which was referred the bill entitled "An act to amend chapter 475 of the Laws of 1867, entitled 'An act enabling national banking associations to become State banking associations, and to amend the banking laws of the State,' reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Coleman, from the committee on banks, to which was referred the bill entitled "An act to provide for the appointment of policemen for banking associations," reported adversely thereto, which report was agreed to, and said bill rejected.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to provide for the sanitary inspection of common schools and school buildings in the city and county of New York."

"An act to vacate and cancel certain awards for closing part of Main street, in the city of Yonkers, and to authorize the common council of

said city to close and discontinue certain parts of said street, without payment of awards heretofore made for the discontinuance of the public use thereof."

"An act to amend chapter 379 of the Laws of 1875, entitled 'An act to define and limit the liens of contractors and others upon real estate in the city and county of New York, and to provide for the enforcement thereof.'"

After some time spent therein, the President resumed the chair, and Mr. Jacobs, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Jacobs, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to provide for the restraint and abatement of nuisances by boards of health."

"An act to amend the charter of the Lafayette Fire Insurance Company of Brooklyn."

Assembly, "An act to amend chapter 210 of the Laws of 1867, entitled 'An act to incorporate Washington fire engine company No. 1, in the town of Eastchester, county of Westchester,' passed March 30, 1867."

After some time spent therein, the President resumed the chair, and Mr. Cole, from said committee, reported progress on the first and second named bills, and asked and obtained leave to sit again.

Mr. Cole, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend chapter 856 of the Laws of 1869, entitled 'An act to amend an act entitled An act to suppress intemperance and to regulate the sale of intoxicating liquors,' passed April 16, 1857."

Assembly, "An act to change the name of The Rochester and Pine Creek Railroad Company to that of the Silver Lake Railroad Company."

"An act for the relief of the Canaseraga Circulating Library."

After some time spent therein, the President resumed the chair, and Mr. Harris, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Harris, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Harris, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

On motion of Mr. Woodin, the Senate adjourned.



## WEDNESDAY, MARCH 21, 1877.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Blaney.

The journal of yesterday was read and approved.

Mr. Moore presented a petition of citizens of St. Lawrence county in favor of the appointment of special game constables; which was read and referred to the committee on internal affairs.

Mr. Sayre presented a petition of citizens of Utica upon the same subject; which was read and referred to the committee on internal affairs.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act for the mortgaging and sale of lands belonging to the estate of Jesse Browne, deceased," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act relative to lands devised by Jesse Browne, deceased," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to incorporate the Oswego Firemen's Relief Society," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act further to amend chapter 446 of the Laws of 1874, entitled 'An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylums for their treatment and safe-keeping and the duties of the State Commissioner in Lunacy,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to confer upon the trustees of the village of Middletown, in the county of Orange, in this State, power to restrain and regulate the construction of wooden buildings, structures or improvements, and to cause the removal or repair of unsafe walls and chimneys," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to incorporate the New York Female Auxiliary Bible Society."

"An act to provide for making to the New York Infirmary for Women and Children, the same allowances and payments for the care and maintenance of lying-in and nursing women, as are now provided by law for the New York Infant Asylum."

"An act to amend chapter 856 of the Laws of 1869, entitled 'An act to amend an act entitled An act to suppress intemperance, and to regulate the sale of intoxicating liquors,' passed April 16, 1857.'"

"An act to provide for the sanitary inspection of common schools and school buildings in the city and county of New York."

"An act to vacate and cancel certain awards for closing part of Main street, in the city of Yonkers, and to authorize the common council of

said city to close and discontinue certain parts of said street, without payment of awards heretofore made for the discontinuance of the public use thereof."

"An act to amend chapter 379 of the Laws of 1875, entitled 'An act to define and limit the liens of contractors and others upon real estate in the city and county of New York, and to provide for the enforcement thereof.'"

Mr. Robertson introduced a bill entitled "An act to authorize resident aliens to acquire, hold and dispose of real and personal property in like manner with citizens," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on judiciary.

The Assembly bill entitled "An act to amend chapter 210 of the Laws of 1867, entitled 'An act to incorporate Washington fire engine company No. 1, in the town of Eastchester, county of Westchester,' passed March 30, 1867," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Sprague
Bradley	Harris	Morrissey	Vedder
Carpenter	Kennaday	Robertson	Wagner
Cole	Lamont	St. John	Wagstaff
Coleman	McCarthy	Selkreg	Wellman
Doolittle			

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to change the name of the Rochester and Pine Creek Railroad Company to that of the Silver Lake Railroad Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Morrissey	Selkreg
Bradley	Jacobs	Prince	Sprague
Carpenter	Kennaday	Robertson	Wagstaff
Coleman	Lamont	St. John	Wellman
Doolittle	Moore	Sayre	Woodin
Emerson			

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the payment of certain moneys out of the State treasury to the heir-at-law of James Greene, deceased," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Morrissey	Selkreg
Bradley	Gerard	Prince	Tobey
Carpenter	Harris	Robertson	Wagstaff
Cole	Jacobs	St. John	Wellman
Coleman	Kennaday	Sayre	Woodin
Doolittle	McCarthy		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The bill entitled "An act to legalize and confirm the proceedings of the common council of the city of Buffalo, in relation to certain streets," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Morrissey	Sprague
Bradley	Harris	Prince	Tobey
Carpenter	Kennaday	Robertson	Wagner
Cole	Lamont	St. John	Wagstaff
Coleman	Loomis	Sayre	Wellman
Doolittle	McCarthy	Selkreg	Woodin
Emerson	Moore		

26

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act to provide for the sanitary inspection of common schools and school buildings in the city and county of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Sprague
Bradley	Gerard	Moore	Tobey
Carpenter	Harris	Morrissey	Vedder
Cole	Kennaday	Prince	Wagner
Coleman	Lamont	St. John	Wagstaff
Doolittle	Loomis	Selkreg	Wellman

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 379 of the Laws of 1875, entitled 'An act to define and limit the liens of contractors and others upon real estate in the city and county of New York, and to provide for the enforcement thereof,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Robertson	Vedder
Bradley	Harris	St. John	Wagner
Carpenter	Kennaday	Sayre	Wagstaff
Cole	McCarthy	Sprague	Wellman
Coleman	Moore	Tobey	Woodin
Doolittle			

21

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act to amend chapter 156 of the Laws of 1869, entitled 'An act to amend an act entitled An act to suppress intemperance and to regulate the sale of intoxicating liquors, passed April 16, 1857,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Sprague
Bixby	Gerard	Morrissey	Vedder
Bradley	Hammond	Robertson	Wagner
Carpenter	Harris	St. John	Wagstaff
Coleman	Kennaday		

18

FOR THE NEGATIVE.

Cole	Moore	Selkreg	Wellman
Doolittle			

5

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to vacate and cancel certain awards for closing part of Main street in the city of Yonkers, and to authorize the common council of said city to close and discontinue certain parts of said street, without payment of awards heretofore made for the discontinuance of the public use thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Tobey
Bixby	Gerard	Moore	Vedder
Carpenter	Harris	Prince	Wagner
Cole	Kennaday	Robertson	Wagstaff
Coleman	Lamont	Sayre	Wellman
Doolittle	Loomis	Selkreg	

23

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

Mr. Emerson moved to take from the table the motion to reconsider the vote by which the bill entitled "An act to authorize the election of women to school offices," was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President put the question whether the Senate would agree to reconsider the vote by which said bill was lost, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Vedder	
Bixby	Emerson	Prince	Wagstaff	
Carpenter	Gerard	Selkreg	Wellman	
Cole	Kennaday	Sprague	Woodin	
Coleman	Loomis	Tobey		19

## FOR THE NEGATIVE.

Moore	Sayre	Wagner		3
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The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Vedder	
Bixby	Emerson	Prince	Wagstaff	
Carpenter	Gerard	Selkreg	Wellman	
Cole	Kennaday	Sprague	Woodin	
Coleman	Lamont	Tobey		19

## FOR THE NEGATIVE.

Hammond	Moore	Robertson	Sayre	
Harris	Morrissey	St. John	Wagner	
Jacobs				9

*Ordered,* That the Clerk deliver said bill to the Assembly and request their concurrence therein.

By unanimous consent, Mr. Cole, from the committee on canals, to which was referred the resolution of the Canal Board, asking for the passage of an act to amend section 1 of chapter 384 of the Laws of 1876, reported that the committee have had the same under consideration and have concluded to report a bill entitled "An act to amend chapter 384 of the Laws of 1876, entitled 'An act respecting the powers of the Canal Board, and the adjustment of tolls,'" which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

By unanimous consent, Mr. Cole, from the committee on canals, to which was referred the Assembly bill entitled "An act making appropriations for the payment of the principal and interest of the canal debt, for the fiscal year commencing on the 1st day of October, 1877, and to provide for the payment of the principal and interest of the debt contracted under section 12 of article 7 of the Constitution," reported the same, with amendments thereto, and the title amended so as to read "An act making appropriations for the payment of the principal and interest of the canal debt, for the fiscal year commencing October 1, 1877; and to provide means to pay the interest on the debt created under article 7, section 3, for the fiscal year commencing October 1, 1876, and ending September 30, 1878," and directed their chairman to report the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to provide for widening Vernon avenue from Third street to Jackson avenue, in the first ward of Long Island City," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act to provide for the appointment of an additional number of notaries public."

"An act to amend chapter 341 of the Laws of 1872, entitled 'An act in reference to the Young Men's Association for mutual improvement in the city of Albany.'"

"An act in regard to the powers of the associate rector of St. Luke's Memorial church in the city of Utica, county of Oneida, and State of New York."

*Ordered*, That the Clerk deliver said bills to the Governor.

The President presented a memorial of the Bar Association of the city of New York, relative to the Code of Remedial Justice; which was read and committed to the committee of the whole.

Also, a communication and resolution from the police department of the city of New York, accompanied by a bill relative to a change of bulk-head line of Randall's and Ward's Islands; which was read and referred to the committee on commerce and navigation.

The Senate then resolved itself into a committee of the whole and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to authorize the Union Plank-road Company, its lessees or assigns, to change the location of a part of the track of said road in the city of Kingston."

Assembly, "An act to provide means for the ordinary repairs of the canals preparatory to opening them for the present year."

Assembly, "An act relative to lands in the city of New York, devised by Charlotte E. Jenkins, late of said city, deceased, authorizing the mortgaging or sale thereof, and the disposition of the proceeds thereof in accordance with the provisions of the will of said deceased."

After some time spent therein the President resumed the chair, and Mr. Jacobs, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Jacobs, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Jacobs, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to.

On motion of Mr. Robertson, and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Sprague
Bixby	Gerard	Moore	Tobey
Bradley	Hammond	Morrissey	Vedder

Carpenter	Harris	Robertson	Wagner	
Cole	Jacobs	St. John	Wagstaff	
Coleman	Kennaday	Sayre	Wellman	
Doolittle	Loomis	Selkreg	Woodin	28

On motion of Mr. Robertson, and by unanimous consent, the rules were suspended, and the Clerk was ordered to return said bill to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders; and after some time spent therein the hour of twelve o'clock having arrived, the President resumed the chair and announced executive session.

Mr. Woodin asked unanimous consent to move that the executive business before the Senate be considered in open session.

Mr. Jacobs objecting,

The President decided, that unanimous consent being under the rules necessary, the motion of Mr. Woodin could not be entertained.

After debate,

Mr. Jacobs asked unanimous consent to move that the executive business before the Senate be considered in open session.

No objection being made,

The Senate, on motion, proceeded to the consideration of executive business.

Mr. Prince, from the committee on commerce and navigation, to which was referred the nomination of Austin Flint, as health officer of the port of New York, reported adversely thereto.

Mr. Jacobs moved that the nomination be referred to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bixby	Jacobs	Morrissey	Tobey	
Bradley	Kennaday	St. John	Wagstaff	
Gerard	Loomis			10

FOR THE NEGATIVE.

Baaden	Emerson	Robertson	Vedder	
Carpenter	Lamont	Sayre	Wagner	
Cole	McCarthy	Selkreg	Wellman	
Coleman	Moore	Sprague	Woodin	
Doolittle	Prince			18

The President then put the question on agreeing to said report, and and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Baaden	Emerson	Robertson	Vedder	
Carpenter	Harris	Sayre	Wagner	
Cole	McCarthy	Selkreg	Wellman	
Coleman	Moore	Sprague	Woodin	
Doolittle	Prince			18

FOR THE NEGATIVE.

Bixby	Hammond	Lamont	St. John	
Bradley	Jacobs	Loomis	Tobey	
Gerard	Kennaday	Morrissey	Wagstaff	12

Mr. Coleman, from the committee on banks, to which was referred the nomination of Allen C. Beach, as Superintendent of the Banking Department, reported adversely thereto (Mr. St. John, dissenting).

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Robertson	Vedder
Carpenter	Harris	Selkreg	Wagner
Cole	McCarthy	Sprague	Wellman
Coleman	Moore	Tobey	Woodin
Doolittle	Prince		

18

## FOR THE NEGATIVE.

Bixby	Hammond	Lamont	St. John
Bradley	Jacobs	Loomis	Wagstaff
Gerard	Kennaday	Morrissey	

11

When the name of Mr. Sayre was called, he asked to be excused from voting.

The President put the question whether the Senate would grant said request, and it was decided in the affirmative.

Mr. Prince, from the committee on commerce and navigation, to which was referred the nomination of Charles S. Beardsley, as captain of the port of New York, reported adversely thereto.

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Robertson	Vedder
Carpenter	Harris	Sayre	Wagner
Cole	McCarthy	Selkreg	Wellman
Coleman	Moore	Sprague	Woodin
Doolittle	Prince	Tobey	

19

## FOR THE NEGATIVE.

Bixby	Hammond	Lamont	St. John
Bradley	Jacobs	Loomis	Wagstaff
Gerard	Kennaday	Morrissey	

11

Mr. Prince, from the committee on commerce and navigation, to which was referred the nomination of Wm. W. Gordon, as port warden of New York, reported adversely thereto.

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Carpenter	Harris	Sayre	Vedder
Cole	McCarthy	Selkreg	Wagner
Coleman	Moore	Sprague	Wellman
Doolittle	Prince	Tobey	Woodin
Emerson	Robertson		

18

## FOR THE NEGATIVE.

Bixby	Hammond	Lamont	St. John
Bradley	Jacobs	Loomis	Wagstaff
Gerard	Kennaday	Morrissey	

11



Mr. Cole, from the committee on canals, to which was referred the nomination of George B. McClellan, as Superintendent of Public Works, reported adversely thereto (Messrs. Gerard, Starbuck and St. John, dissenting).

Pending the question of agreeing to report,

Mr. Jacobs moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bixby	Hammond	Kennaday	Morrissey
Bradley	Jacobs	Loomis	Wagstaff
Gerard			

9

FOR THE NEGATIVE.

Baaden	Emerson	Robertson	Tobey
Carpenter	Harris	St. John	Vedder
Cole	McCarthy	Sayre	Wagner
Coleman	Moore	Selkreg	Wellman
Doolittle	Prince	Sprague	Woodin

20

Mr. Jacobs moved that the Senate take a recess until half-past seven o'clock, and that a session of the Senate be held at that hour.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Kennaday	St. John
Bradley	Hammond	Loomis	Wagstaff
Emerson	Jacobs	Morrissey	

11

FOR THE NEGATIVE.

Carpenter	Harris	Robertson	Vedder
Cole	McCarthy	Selkreg	Wagner
Coleman	Moore	Sprague	Wellman
Doolittle	Prince	Tobey	Woodin

16

Mr. McCarthy moved that the Senate do now adjourn until to-morrow morning at half-past ten o'clock; that a session of the Senate be held at that hour, and that the pending question of agreeing to the report of the committee on canals, relative to the appointment of George B. McClellan as Superintendent of Public Works, be considered at that time.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Whereupon the Senate adjourned.

THURSDAY, MARCH 22, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

On motion of Mr. Jacobs, and by unanimous consent, the special business for this time being the consideration, in open executive session, of the adverse report of the committee on canals upon the nomination of George B. McClellan as Superintendent of Public Works, was suspended, and the Senate proceeded to the consideration of its regular business.

Mr. McCarthy presented a petition for a change in the system of highway labor relative to the imposing of a poll-tax; which was read and referred to the committee on roads and bridges.

Mr. Roberston, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the resident aliens to acquire, hold and dispose of real and personal property in like manner with citizens," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act further to amend chapter 402 of the Laws of 1854, entitled 'An act for the better security of mechanics and others erecting buildings in the counties of Westchester, Oneida, Cortland, Broome, Putnam, Rockland, Orleans, Niagara, Livingston, Otsego, Lewis, Orange and Dutchess,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the petition of the commissioners to revise the statutes, praying for "An act to repeal certain acts and parts of acts," reported that the committee have had the same under consideration, and have concluded to report a bill entitled "An act to repeal certain acts and parts of acts," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Prince, from the committee on commerce and navigation, to which was referred the bill entitled "An act to amend chapter 166 of the Laws of 1874, entitled 'An act to incorporate the Maritime Association of the port of New York,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act in relation to bets, wagers and pools," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee of conference, upon the Assembly bill entitled "An act making appropriations for the support of government," presented the following report:

*To the Legislature:*

Your committee of conference, to which was referred the matters of difference between the two Houses upon Assembly bill entitled "An act making appropriations for the support of government," beg leave respectfully to report that they met and have duly considered such matters of difference, and have agreed to recommend that the Assembly do concur in the following amendments to the bill as proposed and adopted by the Senate (reference in all cases being made to the engrossed bill), namely: Page 1, change the paragraph commencing on line 23 so as to read as follows: "For the purchase of a furnished executive mansion, fifty thousand dollars or so much thereof as may be necessary. The Governor, Speaker of the Assembly and President *pro tem.* of the Senate are

hereby appointed a commission to make such purchase. In case such purchase be not made, the sum of seven thousand five hundred dollars is hereby appropriated for the rent of a suitable furnished executive residence for the Governor." Page 2, after line 23 insert the following: "For the justices of the Supreme Court in the second judicial district, not residing in the county of Kings, for additional compensation pursuant to chapter seven hundred and sixty-five of the Laws of eighteen hundred and sixty-eight, five thousand dollars; and for the stenographer appointed under said act, three thousand five hundred dollars. Said amounts to be paid only from moneys which shall have been, or shall be, paid into the treasury for taxes levied for the purposes of said act and in pursuance thereof." Page 5, line 14, strike out the word "seventeen" and insert the word "twelve." Same page, line 32, after the word "dollars" insert the words "and the further sum of twenty-five thousand dollars for compensation of employes and clerk hire of the department, and expenses of examinations of insurance companies." Page 8, line 21, strike out the words "Hall for." Same page, line 33, strike out the word "fuel." Page 16, after line 26, insert a new paragraph as follows: "For the support of Mark Jack, an insane Indian, and of Susan Green, an insane Indian woman, at the asylum, two hundred and fifty dollars each." Same page, line 29, strike out the words "eight thousand" and insert the words "nine thousand five hundred." Page 17, line 1, strike out the word "thirty" and insert the word "forty." Same page, line 27, strike out the word "thirty" and insert the word "twenty." Page 18, line 19, strike out the word "capital." Same page, line 20, strike out the paragraph commencing on line 20 as follows: "For investment of the common school fund, in loans to any of the towns or counties of this State for the erection of public buildings or the purchase of land therefor, fifty thousand dollars or so much thereof as may be necessary." And your committee do further report that they have agreed to recommend that the Assembly do concur in the following items and amendments as proposed by the Senate, upon being amended in conference so as to read as follows: Page 10, line 28, strike out the word "twenty" and insert the word "fifteen." Add at the end of line 29, the following: "Hereafter the compensation to sheriffs for conveying a convict to a State prison from a county prison, for each mile actually traveled, fifteen cents; for conveying two convicts for each mile so traveled, twenty cents; for conveying three convicts for each mile so traveled, twenty-five cents, and for conveying four or more convicts for each mile so traveled, seven and one-half cents each, with one dollar per day for the maintenance of each convict while on the way to a State prison, but not exceeding one dollar for every thirty miles of travel, in full of all charges and expenses in the premises." Page 14, strike out the paragraph commencing on line 9 and insert, in lieu thereof, the following: "For the Commissioners to revise the Statutes, appointed under chapter thirty-three of the Laws of eighteen hundred and seventy, for their expenses for clerical services and other incidental matters, three thousand dollars, said commissioners are to serve without compensation from and after the thirtieth day of September, eighteen hundred and seventy-seven, as proposed by them." And your committee do further report that they have agreed to recommend that the Senate do recede from the following amendments to the bill as proposed in the Senate: Page 8, strike out paragraph commencing on line 27 as follows: "For the persons employed in making drawings for the natural history of the State, for

salary, to be paid in such manner as may be determined by the Secretary of State and the Secretary of the Board of Regents, two thousand five hundred dollars." Page 10, line 9, after the words "State prisons" insert the words "and the State reformatory at Elmira." Same page, line 16, after the words "State prisons" insert the words "and the State reformatory at Elmira." Page 7, line 20, strike out the word "four" and insert the word "three."

All of which is respectfully submitted.

HAMILTON HARRIS,

D. A. MOORE,

*Senate Committee.*

J. A. HUSTED,

GEO. I. POST,

DANIEL BRADLEY,

*Assembly Committee.*

ALBANY, March 22, 1877.

Mr. Jacobs moved that the Senate agree to the report of the committee, excepting that portion thereof relating to the commissioners to revise the statutes.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Sprague
Carpenter	Harris	Morrissey	Tobey
Cole	Jacobs	Prince	Vedder
Coleman	Kennaday	Robertson	Wagner
Doolittle	Loomis	St. John	Wellman
Emerson	McCarthy	Selkreg	Woodin
			24

FOR THE NEGATIVE.

Sayre 1

The President then put the question upon agreeing to that portion of the report relating to the commissioners to revise the statutes, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Baaden	Harris	St. John	Wagner
Bradley	Kennaday	Sprague	Wagstaff
Carpenter	Moore	Tobey	Wellman
Coleman	Prince	Vedder	Woodin
Doolittle	Robertson		
			18

FOR THE NEGATIVE.

Bixby	Hammond	McCarthy	Sayre
Cole	Jacobs	Morrissey	Selkreg
Gerard	Loomis		
			10

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference thereon.

Mr. Loomis, from the committee on public printing, to which was referred the resolution to print 500 copies of the proceedings of the University Convocation, reported in favor of the adoption of the following resolution :

*Resolved* (if the Assembly concur), That 500 copies of the proceedings of the University Convocation for 1876, annexed to the annu-

report of the Regents of the University be printed in the usual form for the use of the Regents, provided the cost of printing shall not exceed ten cents per page per one hundred copies.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Sprague
Bixby	Harris	Prince	Tobey
Bradley	Jacobs	Robertson	Vedder
Carpenter	Kennaday	St. John	Wagner
Cole	Loomis	Sayre	Wellman
Coleman	McCarthy	Selkreg	Woodin
Doolittle	Moore		

26

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Loomis, from the committee on public printing, to which was referred the resolution to print copies of the Eighty-ninth and Ninetieth reports of the Regents of the University, reported in favor of the adoption of the following resolution:

*Resolved* (if the Assembly concur), That 1,500 copies of the eighty-ninth and ninetieth reports of the Regents of the University on colleges and academies be printed in the usual form for the use of the Regents, provided that the cost of printing thereof shall not exceed ten cents per page per one hundred copies.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Selkreg
Bixby	Hammond	Morrissey	Sprague
Bradley	Harris	Prince	Tobey
Carpenter	Jacobs	Robertson	Wagner
Cole	Loomis	St. John	Wellman
Coleman	McCarthy	Sayre	Woodin
Doolittle			

25

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Doolittle, from the committee on public printing, to which was referred the resolution to print copies of the Commission in Lunacy, reported in favor of the adoption of the following resolution:

*Resolved* (if the Assembly concur), That 500 extra copies of the State Commission in Lunacy be printed for the use of said commissioners, provided that the cost of printing thereof shall not exceed ten cents per page per one hundred copies.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Prince	Tobey
Bixby	Emerson	Robertson	Vedder
Bradley	Gerard	Sayre	Wagstaff
Carpenter	Jacobs	Selkreg	Wellman

Cole  
Coleman

Kennaday  
Loomis

Sprague

Woodin

22

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Sprague introduced a bill entitled "An act permitting persons entitled to an interest in real estate to prosecute proceedings in partition," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Tobey introduced a bill entitled "An act establishing a ferry from Essex village, county of Essex, across Lake Champlain," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. McCarthy introduced a bill entitled "An act to amend chapter 178 of the Laws of 1847, entitled 'An act to provide for the distribution of the annuity due to the Onondaga Indians,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on Indian affairs.

The Assembly returned the following entitled Assembly bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act in relation to running ferry boats by the Union Ferry Company of Brooklyn, across the East river."

"An act to regulate the execution and transfer of negotiable instruments given for patent rights."

"An act to authorize the payment of certain moneys out of the State treasury to the heir-at-law of James Green, deceased."

"An act relative to lands in the city of New York devised by Charlotte E. Jenkins, late of said city, deceased, authorizing the mortgaging or sale thereof, and the disposition of the proceeds thereof in accordance with the provisions of the will of said deceased."

*Ordered*, That the Clerk return said bills to the Assembly.

By unanimous consent, Mr. Woodin offered the following:

*Resolved*, That the comptroller of the city of New York be and he is hereby required to transmit to the Senate, within five days, copies of the various bills rendered by the sheriff of the city and county of New York, against the county or the city of New York, during each of the ten years prior to the 1st day of January, 1877, with an accompanying statement showing the amount which has been paid on account of each of said bills, and the amounts still claimed but not paid.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The President announced that the Senate would now, in open executive session, proceed to the consideration of the special business, being the question of agreeing to the adverse report of the committee on canals, upon the nomination of George B. McClellan, as Superintendent of Public Works.

Mr. Jacobs moved that the consideration of the question be postponed until next Wednesday.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bixby  
Bradley  
Gerard

Hammond  
Jacobs  
Kennaday

Loomis  
Morrissey

St. John  
Wagstaff

10

## FOR THE NEGATIVE.

Carpenter	Emerson	Prince	Vedder	
Cole	Harris	Robertson	Wagner	
Coleman	McCarthy	Sprague	Wellman	
Doolittle	Moore	Tobey	Woodin	16

When the name of Mr. Sayre was called, he asked to be excused from voting, which request was granted, he having paired with Mr. Starbuck.

When the name of Mr. Selkreg was called, he asked to be excused from voting, which request was also granted, he having paired with Mr. Lamont.

After debate,

Mr. Jacobs moved that the Senate take a recess until half-past seven o'clock, P. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Morrissey	Vedder	
Bradley	Jacobs	St. John	Wagstaff	
Gerard	Kennaday			10

## FOR THE NEGATIVE.

Carpenter	Emerson	Prince	Tobey	
Cole	Harris	Robertson	Wellman	
Coleman	McCarthy	Sprague	Woodin	
Doolittle	Moore			14

The President then put the question upon agreeing to the report of the committee, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Carpenter	Emerson	Prince	Vedder	
Cole	Harris	Robertson	Wellman	
Coleman	McCarthy	Sprague	Woodin	
Doolittle	Moore	Tobey		15

## FOR THE NEGATIVE.

Bixby	Hammond	Kennaday	St. John	
Bradley	Jacobs	Morrissey	Wagstaff	
Gerard				9

When the name of Mr. Sayre was called, he asked to be excused from voting, which request was granted, he having paired with Mr. Starbuck.

When the name of Mr. Selkreg was called, he asked to be excused from voting, which request was granted, he having paired with Mr. Lamont.

On motion of Mr. Prince, and by unanimous consent, the rules were suspended, and the Clerk was directed to transmit the nominations confirmed yesterday to the Governor.

Mr. Selkreg moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

FRIDAY, MARCH 23, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Robertson presented a petition of citizens of the village of New Rochelle, for amendments to the charter of said village; which was read and referred to the committee on the affairs of villages.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act for the relief of Abel Crook," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Selkreg, from the committee on railroads, to which was referred the bill entitled "An act amendatory of an act entitled 'An act changing the name of the Beach Pneumatic Transit Company to the Broadway Underground Railway Company, and extending its powers,' passed May 20, 1874," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Selkreg, from the committee on railroads, to which was referred the bill entitled "An act to incorporate the Grand Trunk Railway Company of Bolivia," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence a resolution in the words following:

*Whereas*, Under chapter 176 of the Laws of 1859, the accounts of the veteran militia of this State in the service of the United States during the war of 1812, were adjudicated; and,

*Whereas*, There are still remaining unpaid a large number of certificates, representing said accounts, which are justly due and payable to this patriotic band, or their legal representatives; and,

*Whereas*, It is claimed that the State is not legally bound to advance any more money to pay said certificates; therefore,

*Resolved* (if the Senate concur), That the Adjutant-General of this State be respectfully requested to urge upon the general government its moral and equitable obligation to place in the treasury of this State, sufficient funds to pay said outstanding certificates, as well as the amount advanced by this State in payment of a part of said certificates, and the amount disbursed by this State in adjudicating said accounts.

*Ordered*, That said resolution be laid upon the table.

The Assembly sent for concurrence the bills entitled as follows:

"An act to amend chapter 820 of the Laws of 1873, entitled 'An act to amend an act entitled An act to suppress intemperance and to regulate the sale of intoxicating liquors,' passed April 16, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to incorporate the Veteran Guard of the city of New York," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on militia.



"An act to amend section 7 of chapter 633 of the Laws of 1866, entitled 'An act in relation to the benevolent fund of the late volunteer fire department in the city of New York,' passed April 17, 1866, as amended by chapter 962 of the Laws of 1867, and as further amended by chapter 297 of the Laws of 1870," which was read the first time, and by unanimous consent was also read a second time.

Mr. Wagstaff moved that said bill be substituted for Senate bill No. 65, now on order of third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

"An act to amend chapter 742 of the Laws of 1871, entitled 'An act in relation to storage and the keeping of combustible material in the city of New York, the use and control of the fire-alarm telegraph, the incumbrance of hydrants and other purposes connected with the prevention and extinguishment of fires therein, and imposing certain powers and duties upon the board of fire commissioners of the said city,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to confirm the election of trustees in the village of North Tonawanda, in the county of Niagara, and to provide for their election hereafter," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend chapter 44 of the Laws of 1828, entitled 'An act relative to the common school fund of Edmeston, in the county of Otsego,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to amend chapter 497 of the Laws of 1870, entitled 'An act to establish a police force in the county of Richmond,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend chapter 435 of the Laws of 1868, entitled 'An act to incorporate the village of Hamilton in the county of Madison, and repeal its present charter,'" and to repeal chapter 250 of the Laws of 1870, chapter 18 of the Laws of 1874, and chapter 142 of the Laws of 1875,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend chapter 555, Laws of 1864, entitled 'An act to revise and consolidate the general acts relating to public instruction,' passed May 2, 1864," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to amend and make additions to chapter 463 of the Laws of 1860, entitled 'An act to revise the charter of the city of Oswego,' and the acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend an act entitled 'An act establishing a ferry from Barber's Point, in the town of Westport, in the county of Essex, across Lake Champlain, and to repeal chapter 495 of the Laws of 1871,' passed May 1, 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act in relation to the keeping open of the office of the clerk of the county of Schenectady," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend section 50 of article 3, title 1 of chapter 16 of part 1 of the Revised Statutes, in relation to highways, amended by chapter 791 of the Laws of 1868, and by chapter 461 of the Laws of 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to authorize the payment of certain moneys out of the State treasury to the heirs-at-law of Maria Brimmayer, deceased," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to release the right, title and interest of the people of the State of New York in and to the proceeds of sale of certain real estate in the town of Middletown, county of Richmond, to Phillipena Schworm, widow of Bernard Schworm, deceased," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to repeal certain provisions of chapter 4 of the Laws of 1862, entitled 'An act to secure the better application of funds to relieve the poor in the town of Little Falls, Herkimer county,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act for the relief of the Kips Bay Methodist Episcopal Church," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act to amend an act to amend the charter of the city of Brooklyn, and the various amendments thereof, passed June 28, 1873, and to further amend the charter of the city of Brooklyn, as amended by an act passed June 1, 1874, and as further amended by an act for that purpose, entitled 'An act to amend the charter of the city of Brooklyn, being the act for that purpose passed June 28, 1873, and the act for that purpose passed June 1, 1874,' passed June 21, 1875, and as further amended by an act for that purpose entitled 'An act to amend section 23, title 2 of the amended charter of the city of Brooklyn,' passed June 28, 1873, passed May 15, 1876," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend chapter 395 of the Laws of 1859, entitled 'An act in relation to the colonial history of the State, and the natural history thereof,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to amend chapter 767 of the Laws of 1872, entitled 'An act to establish the compensation of county judges and surrogates, pursuant to the fifteenth section of the amended sixth article of the Constitution,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to exempt the counties of Suffolk, Tioga, Onondaga, Saratoga, Ontario, Yates, Rensselaer, Erie, Seneca, Schenectady, Monroe, Livings-

ton and Otsego from the provisions and operation of chapter 180 of the Laws of 1876, entitled 'An act creating a board of town auditors in the several towns of this State, and to prescribe their powers and duties,' passed April 29, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act supplementary to chapter 273 of the Laws of 1866, entitled 'An act authorizing the incorporation of associations to erect monuments to perpetuate the memory of soldiers who fell in defense of the Union,' passed March 30, 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on militia.

The Assembly returned the following entitled Assembly bill, with a message that they had concurred in the amendments of the Senate thereto:

"An act to amend chapter 617 of the Laws of 1873, entitled 'An act regulating the deposit of securities by plate-glass insurance companies.'"

*Ordered,* That the Clerk return said bill to the Assembly.

Mr. Loomis introduced a bill entitled "An act to amend chapter 90 of the Laws of 1865, entitled 'An act to amend and consolidate the several acts relating to the village of Ilion,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Robertson, on behalf of Mr. Schoonmaker, introduced a bill entitled "An act to further amend chapter 150 of the Laws of 1872, entitled 'An act to incorporate the city of Kingston,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Robertson introduced a bill entitled "An act to grant to the city of Yonkers certain lands belonging to the people of the State of New York, lying below the original line of high-water mark in the Nepperhan basin, in the city of Yonkers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, introduced a bill entitled "An act to further amend chapter 249 of the Laws of 1864, entitled 'An act to amend an act entitled An act to provide for the incorporation of villages,' passed December 7, 1847, and the several acts amendatory thereof so far as the same relates to the village of New Rochelle, in the county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Harris introduced a bill entitled "An act authorizing the removal of the female convicts confined in the State prison at Sing Sing, and the confinement of females, hereafter convicted of felony, in the county penitentiaries of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

By unanimous consent, Mr. Harris offered the following:

*Whereas,* It has been reported by the proper officers both to the Congress and to the Legislature that a necessity has arisen for the determining of pier lines upon the Hudson river, and

*Whereas,* It is of the highest importance to maintain the integrity of the Hudson river as a navigable water, and to preserve it from encroachments along its shores, therefore

*Resolved*, (if the Assembly concur), that the Governor be requested to apply to the President of the United States to appoint three competent officers of the United States service to be associated with the Secretary of State, the Attorney-General, and the State Engineer and Surveyor of this State, to examine and decide upon exterior pier and bulk-head lines upon the Hudson river, from the State dam at Troy, to the city of Hudson, and to report such lines with maps to the Legislature at its next session.

*Ordered*, That said resolution be laid upon the table.

The Assembly bill entitled "An act to provide means for the ordinary repairs of the canals, preparatory to opening them for the present year," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	Kennaday	Selkreg
Carpenter	Gerard	Loomis	Vedder
Cole	Hammond	Moore	Wagner
Coleman	Harris	Robertson	Wagstaff
Doolittle	Jacobs	Sayre	Wellman

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act to amend section 7 of chapter 633 of the Laws of 1866, entitled 'An act in relation to the benevolent fund of the late volunteer fire department in the city of New York,' passed April 17, 1866, as amended by chapter 962 of the Laws of 1867, and as further amended by chapter 297 of the Laws of 1870," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	Loomis	Sprague
Carpenter	Gerard	McCarthy	Vedder
Cole	Harris	Robertson	Wagner
Coleman	Jacobs	Sayre	Wagstaff
Doolittle	Kennaday	Selkreg	Wellman

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Bixby moved that when the Senate adjourns to-day, it adjourn to meet to-morrow morning at eleven o'clock.

Mr. Vedder moved to amend by substituting "Monday evening at eight o'clock."

Mr. Doolittle moved to amend by substituting "this evening, at half past seven o'clock."

The President put the question upon the amendment of Mr. Doolittle, and it was decided in the negative.

ton and Otsego from the provisions and operation of chapter 180 of the Laws of 1875, entitled 'An act creating a board of town auditors in the several towns of this State, and to prescribe their powers and duties,' passed April 29, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act supplementary to chapter 273 of the Laws of 1866, entitled 'An act authorizing the incorporation of associations to erect monuments to perpetuate the memory of soldiers who fell in defense of the Union,' passed March 30, 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on militia.

The Assembly returned the following entitled Assembly bill, with a message that they had concurred in the amendments of the Senate thereto:

"An act to amend chapter 617 of the Laws of 1873, entitled 'An act regulating the deposit of securities by plate-glass insurance companies.'"

*Ordered*, That the Clerk return said bill to the Assembly.

Mr. Loomis introduced a bill entitled "An act to amend chapter 90 of the Laws of 1865, entitled 'An act to amend and consolidate the several acts relating to the village of Ilion,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Robertson, on behalf of Mr. Schoonmaker, introduced a bill entitled "An act to further amend chapter 150 of the Laws of 1872, entitled 'An act to incorporate the city of Kingston,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Robertson introduced a bill entitled "An act to grant to the city of Yonkers certain lands belonging to the people of the State of New York, lying below the original line of high-water mark in the Nepperhan basin, in the city of Yonkers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, introduced a bill entitled "An act to further amend chapter 249 of the Laws of 1864, entitled 'An act to amend an act entitled An act to provide for the incorporation of villages,' passed December 7, 1847, and the several acts amendatory thereof so far as the same relates to the village of New Rochelle, in the county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Harris introduced a bill entitled "An act authorizing the removal of the female convicts confined in the State prison at Sing Sing, and the confinement of females, hereafter convicted of felony, in the county penitentiaries of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

By unanimous consent, Mr. Harris offered the following:

*Whereas*, It has been reported by the proper officers both to the Congress and to the Legislature that a necessity has arisen for the determining of pier lines upon the Hudson river, and

*Whereas*, It is of the highest importance to maintain the integrity of the Hudson river as a navigable water, and to preserve it from encroachments along its shores, therefore

*Resolved*, (if the Assembly concur), that the Governor be requested to apply to the President of the United States to appoint three competent officers of the United States service to be associated with the Secretary of State, the Attorney-General, and the State Engineer and Surveyor of this State, to examine and decide upon exterior pier and bulk-head lines upon the Hudson river, from the State dam at Troy, to the city of Hudson, and to report such lines with maps to the Legislature at its next session.

*Ordered*, That said resolution be laid upon the table.

The Assembly bill entitled "An act to provide means for the ordinary repairs of the canals, preparatory to opening them for the present year," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	Kennaday	Selkreg	
Carpenter	Gerard	Loomis	Vedder	
Cole	Hammond	Moore	Wagner	
Coleman	Harris	Robertson	Wagstaff	
Doolittle	Jacobs	Sayre	Wellman	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act to amend section 7 of chapter 633 of the Laws of 1866, entitled 'An act in relation to the benevolent fund of the late volunteer fire department in the city of New York,' passed April 17, 1866, as amended by chapter 962 of the Laws of 1867, and as further amended by chapter 297 of the Laws of 1870," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	Loomis	Sprague	
Carpenter	Gerard	McCarthy	Vedder	
Cole	Harris	Robertson	Wagner	
Coleman	Jacobs	Sayre	Wagstaff	
Doolittle	Kennaday	Selkreg	Wellman	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Bixby moved that when the Senate adjourns to-day, it adjourn to meet to-morrow morning at eleven o'clock.

Mr. Vedder moved to amend by substituting "Monday evening at eight o'clock."

Mr. Doolittle moved to amend by substituting "this evening, at half past seven o'clock."

The President put the question upon the amendment of Mr. Doolittle, and it was decided in the negative.

authorizing the construction of a railroad through certain streets in the city of Poughkeepsie, and through certain streets and roads in the town of Poughkeepsie, in the county of Dutchess.'"

"An act to amend chapter 36 of the Laws of 1873, entitled 'An act to provide for a supply of water in the city of Yonkers.'"

"An act to further amend chapter 35 of the Laws of 1873, entitled 'An act to re-enact and amend an act entitled An act to incorporate the city of Yonkers, passed June 1, 1872, and as amended by chapter 578 of the Laws of 1875, and chapter 179 of the Laws of 1876.'"

After some time spent therein, the President resumed the chair, and Mr. Vedder, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Vedder, from the same committee, reported in favor of the passage of the second named bill, with amendments, and have amended the title thereof by striking out the words "and passed February twenty-eight, eighteen hundred and seventy-three," which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Vedder, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Robertson moved that the committee of the whole be discharged from the further consideration of said bill, that the title thereof be amended by striking out all after the words "seventy-two," and inserting after the word "To," the word "further," and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act in relation to the collection of taxes and the sales of land therefor, in certain towns of Queens county," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Tobey, from the committee on insurance, to which was referred the bill entitled "An act authorizing life insurance companies that register policies, to deposit to the account of such policies, New York city and Brooklyn city bonds," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend chapter 366 of the Laws of 1859, entitled 'An act to establish an insurance department.'"

"An act to amend chapter 512 of the Laws of 1867, entitled 'An act to incorporate the village of Hart's Falls, in the county of Rensselaer.'"

"An act to release and convey to Mary Graham the interest of the people of the State of New York in certain real estate."

After some time spent therein, the President resumed the chair, and Mr. Bixby, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend chapter 270 of the Laws of 1876, entitled 'An act to incorporate the Grand Army of the Republic Soldiers' Home of the State of New York,' passed May 15, 1876."

"An act to amend chapter 667 of the Laws of 1870, entitled 'An act to incorporate the Brooklyn Library Building Fund Association, of the Eastern District.'"

"An act to confirm the proceedings of the town meeting held in Geneva, authorizing the raising of money for road and bridge purposes."

After some time spent therein, the President resumed the chair, and Mr. Doolittle, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Doolittle, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, on the bills entitled as follows:

Assembly, "An act to incorporate the Grand Lodge of the Ancient Order of United Workmen of the State of New York."

"An act to amend chapter 341 of the Laws of 1876, entitled 'An act regulating the forfeiture of life insurance policies.'"

"An act to extend the time to complete the city and county hall in the city of Buffalo, and the term of the commissioners appointed for that purpose."

After some time spent therein the President resumed the chair, and Mr. Wagstaff, from said committee, reported that the committee of the whole, finding no quorum present, have instructed their chairman to report that fact to the Senate.

Thereupon the President directed the Clerk to call the roll, when the following Senators answered to their names:

Bixby	Emerson	Loomis	Sprague
Bradley	Gerard	Moore	Vedder
Carpenter	Hammond	Morrissey	Wagner
Cole	Harris	Prince	Wagstaff
Coleman	Jacobs	Robertson	Wellman
Doolittle	Kennaday	Selkreg	

23

A quorum having been found to be present,

The Senate in committee of the whole resumed the consideration of general orders, and after some time spent therein, Mr. Wagstaff, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Wagstaff, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Wagstaff, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Robertson moved that the committee on the judiciary be discharged from the further consideration of the Assembly bill entitled "An act to amend chapter 497 of the Laws of 1870, entitled 'An act to establish a police force in the county of Richmond,'" and that the same be referred to the committee on internal affairs.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.



Mr. Wellman, from the committee on State prisons, to which was referred the bill entitled "An act authorizing the removal of the female convicts confined in the State prison at Sing Sing, and the confinement of females hereafter convicted of felony, in the county penitentiaries of this State," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Wellman, from the committee on militia, to which was referred the bill entitled "An act to provide for payment for uniform and equipments of the Ninth Regiment, National Guard State of New York, worn out and lost in the service of the United States during the late war," directed their chairman to report the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

On motion of Mr. Wagstaff, and by unanimous consent, the rules were suspended and the Senate, in open executive session, confirmed the nominations of several notaries public.

Mr. Robertson moved that the bill entitled "An act to amend chapter 448 of the Laws of 1876, entitled 'An act relating to courts, officers of justice and civil proceedings, and to provide for the publication of the act as amended,'" be recommitted to the committee on the judiciary, retaining its place in general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act for the relief of the Kips Bay Methodist Episcopal church," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act in relation to the keeping open of the office of the clerk of the county of Schenectady," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Tobey moved that the Senate do now adjourn until Monday evening at 8 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Kennaday	Prince	Vedder
Carpenter	Loomis	Tobey	Wagstaff
Emerson			

9

#### FOR THE NEGATIVE.

Cole	Hammond	Moore	Selkreg
Coleman	Harris	Morrissey	Sprague
Doolittle	Jacobs	Robertson	Wellman
Gerard			

13

On motion of Mr. Doolittle, and by unanimous consent, the rules were suspended and the bill entitled "An act to amend chapter 475 of the Laws of 1867, entitled 'An act enabling national banking associations to become State banking associations, and to amend the banking laws of this State,'" was ordered considered in first committee of the whole.

The Senate again resolved itself into a committee of the whole, and

proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend chapter 475 of the Laws of 1867, entitled 'An act enabling National banking associations to become State banking associations, and to amend the banking laws of this State.'"

"An act to amend chapter 110 of the Laws of 1876, entitled 'An act supplemental to chapter 60 of the Laws of 1818, entitled An act to provide for the incorporation of religious societies and of the several acts amendatory thereof,' passed April 11, 1876."

"An act to amend chapter 176 of the Laws of 1876, entitled 'An act supplementary to chapter 60 of the Laws of 1813, entitled An act to provide for the incorporation of religious societies, and the acts supplementary thereto,' passed April 26, 1876."

After some time spent therein, the President resumed the chair, and Mr. Harris, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Harris, from the same committee, reported progress on the second and last named bills, and asked and obtained leave to sit again.

Mr. Wagstaff moved that the Senate do now adjourn until Monday evening at 8 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Kennaday	Sprague	Wagstaff	
Doolittle	Prince	Vedder	Wellman	
Emerson	Selkreg			10

#### FOR THE NEGATIVE.

Cole	Hammond	Jacobs	Morrissey	
Coleman	Harris	Moore	Robertson	
Gerard				9

Whereupon the Senate adjourned.

MONDAY, MARCH 26, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of Friday, March 23, was read and approved.

Mr. Loomis presented a remonstrance of the Herkimer County Sportsman's Association, against the passage of a law forbidding the shooting of woodcock before September first; which was read and referred to the committee on internal affairs.

Mr. Starbuck presented a petition of citizens of Antwerp, Jefferson county, for the passage of the bill for the assessment and taxation of all the property in this State, according to its money value; which was read and referred to the committee on finance.

Mr. Wellman, from the committee on State prisons, to which was referred the bill entitled "An act authorizing the removal of the female convicts confined in the State prison at Sing Sing, and the confinement of females hereafter convicted of felony, in the county penitentiaries of this State," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Wellman, from the committee on militia, to which was referred the bill entitled "An act to provide for payment for uniform and equipments of the Ninth Regiment, National Guard State of New York, worn out and lost in the service of the United States during the late war," directed their chairman to report the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

On motion of Mr. Wagstaff, and by unanimous consent, the rules were suspended and the Senate, in open executive session, confirmed the nominations of several notaries public.

Mr. Robertson moved that the bill entitled "An act to amend chapter 448 of the Laws of 1876, entitled 'An act relating to courts, officers of justice and civil proceedings, and to provide for the publication of the act as amended,'" be recommitted to the committee on the judiciary, retaining its place in general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act for the relief of the Kips Bay Methodist Episcopal church," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act in relation to the keeping open of the office of the clerk of the county of Schenectady," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Tobey moved that the Senate do now adjourn until Monday evening at 8 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

#### FOR THE AFFIRMATIVE.

Bixby	Kennaday	Prince	Vedder
Carpenter	Loomis	Tobey	Wagstaff
Emerson			

9

#### FOR THE NEGATIVE.

Cole	Hammond	Moore	Selkreg
Coleman	Harris	Morrissey	Sprague
Doolittle	Jacobs	Robertson	Wellman
Gerard			

13

On motion of Mr. Doolittle, and by unanimous consent, the rules were suspended and the bill entitled "An act to amend chapter 475 of the Laws of 1867, entitled 'An act enabling national banking associations to become State banking associations, and to amend the banking laws of this State,'" was ordered considered in first committee of the whole.

The Senate again resolved itself into a committee of the whole, and

proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend chapter 475 of the Laws of 1867, entitled 'An act enabling National banking associations to become State banking associations, and to amend the banking laws of this State.'"

"An act to amend chapter 110 of the Laws of 1876, entitled 'An act supplemental to chapter 60 of the Laws of 1818, entitled An act to provide for the incorporation of religious societies and of the several acts amendatory thereof,' passed April 11, 1876."

"An act to amend chapter 176 of the Laws of 1876, entitled 'An act supplementary to chapter 60 of the Laws of 1813, entitled An act to provide for the incorporation of religious societies, and the acts supplementary thereto,' passed April 26, 1876."

After some time spent therein, the President resumed the chair, and Mr. Harris, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Harris, from the same committee, reported progress on the second and last named bills, and asked and obtained leave to sit again.

Mr. Wagstaff moved that the Senate do now adjourn until Monday evening at 8 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Kennaday	Sprague	Wagstaff	
Doolittle	Prince	Vedder	Wellman	
Emerson	Selkreg			10

#### FOR THE NEGATIVE.

Cole	Hammond	Jacobs	Morrissey	
Coleman	Harris	Moore	Robertson	
Gerard				9

Whereupon the Senate adjourned.

### MONDAY, MARCH 26, 1877.

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The journal of Friday, March 23, was read and approved.

Mr. Loomis presented a remonstrance of the Herkimer County Sportsman's Association, against the passage of a law forbidding the shooting of woodcock before September first; which was read and referred to the committee on internal affairs.

Mr. Starbuck presented a petition of citizens of Antwerp, Jefferson county, for the passage of the bill for the assessment and taxation of all the property in this State, according to its money value; which was read and referred to the committee on finance.

Also, a petition of citizens and butter-makers of Antwerp, Jefferson county, for a law requiring manufacturers of "Butterine" to stamp their packages, so as to indicate their contents truly; which was read and referred to the committee on agriculture.

Mr. Coleman presented three petitions of tax-payers and electors of Rensselaer county, for a reduction of the salaries of county judge and surrogate of said county; which were read and referred to the committee on the judiciary.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend chapter 366 of the Laws of 1859, entitled 'An act to establish an insurance department.'"

"An act to release and convey to Mary Graham, the interest of the people of the State of New York in certain real estate."

"An act to amend chapter 512 of the Laws of 1867, entitled 'An act to incorporate the village of Hart's Falls, in the county of Rensselaer.'"

"An act to confirm the proceedings of the town meeting held in Geneva, authorizing the raising of money for road and bridge purposes."

"An act to amend chapter 667 of the Laws of 1870, entitled 'An act to incorporate the Brooklyn Library Building Fund Association of the Eastern District.'"

"An act to amend chapter 475 of the Laws of 1867, entitled 'An act enabling National banking associations to become State banking associations, and to amend the banking laws of this State.'"

"An act to extend the time to complete the city and county hall in the city of Buffalo, and the term of the commissioner appointed for that purpose."

"An act to further amend chapter 35 of the Laws of 1873, entitled 'An act to re-enact and amend an act entitled An act to incorporate the city of Yonkers, passed June 1, 1872.'"

"An act to amend chapter 654 of the Laws of 1869, entitled 'An act authorizing the construction of a railroad through certain streets in the city of Poughkeepsie, and through certain streets and roads in the town of Poughkeepsie, in the county of Dutchess.'"

"An act to authorize the Union Plank-road Company, its lessees or assigns, to change the location of a part of the track of said road in the city of Kingston."

"An act to amend chapter 36 of the Laws of 1873, entitled 'An act to provide for a supply of water in the city of Yonkers.'"

"An act to amend chapter 341 of the Laws of 1876, entitled 'An act regulating the forfeiture of life insurance policies.'"

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to repeal chapter 628 of the Laws of 1871, entitled 'An act to alter the map or plan of the city of New York by laying out a public place for a parade ground, and to authorize the taking of the same,' passed April 20, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was recommitted the bill entitled "An act to amend chapter 448 of the Laws of 1876, entitled 'An act relating to courts, officers of justice and civil proceedings, and to provide for the publication of the act as amended,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to grant to the city of Yonkers certain lands belonging to the people of the State of New York, lying below the original line of high-water mark in the basin in the city of Yonkers," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to further amend the charter of the city of Buffalo," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act supplementary to the charter of the city of Buffalo," and said bill was committed to the committee of the whole.

Mr. Loomis introduced a bill entitled "An act in relation to the relief of the poor in the town of Little Falls, in the county of Herkimer," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on poor laws.

Also, a bill entitled "An act to legalize the incorporation of Schenevus village, Otsego county, New York, and to approve the action of the incorporation of said village under the general law for incorporation of villages, passed April 20, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Hammond introduced a bill entitled "An act authorizing the formation of town insurance companies," which was read the first time and by unanimous consent was also read the second time, and referred to the committee on insurance.

The Assembly sent for concurrence the bills entitled as follows:

"An act to authorize the common council of the city of Watertown to cancel and annul a bond executed and delivered to the city of Watertown by Byron D. Adsit, with sureties, dated January 6, 1874, and to release and discharge the said Byron D. Adsit and his sureties from all liability thereon," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend chapter 370 of the Laws of 1873, entitled 'An act to revise and amend an act entitled An act to incorporate the village of Port Jervis, passed March 30, 1866, and all acts relating thereto,' passed May 1, 1873," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend chapter 264 of the Laws of 1817, entitled 'An act to incorporate the members of the New York Institution for the Instruction of the Deaf and Dumb,' with amendments thereto," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act extending the time for the organization of the New York Loan and Security Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

"An act further to amend chapter 280 of the Laws of 1852, entitled 'An act further to amend the act entitled An act authorizing the incorporation of rural cemetery associations,' passed April 27, 1847," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporation

"An act to amend the charter of the city of Syracuse, so far as concerns the re-organization of the fire department of said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to enable the city of Brooklyn to acquire certain lands lying in Atlantic avenue, decided to be the property of the heirs of John Cowenhoven," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend chapter 395 of the Laws of 1873, entitled 'An act to alter the system of repairing the highways,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend chapter 329 of the Laws of 1871, being an act to amend chapter 800 of the session laws of 1866, relative to the taking of lands for the erection of school-houses, or making additions thereto," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act respecting the power of the Union Home and School for the education and maintenance of the children of our volunteers who are left unprovided for, to take and hold real and personal estate," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

On motion of Mr. Selkreg, and by unanimous consent, the rules were suspended and the Assembly bill entitled "An act in relation to the keeping open of the office of the clerk of the county of Schenectady," was ordered to be considered in first committee of the whole.

On motion of Mr. Harris, and by unanimous consent, the rules were suspended and the bill entitled "An act authorizing the removal of the female convicts confined in the State prison at Sing Sing, and the confinement of females hereafter convicted of felony, in the county penitentiaries of this State," was ordered to be considered in first committee of the whole.

The Senate then resolved itself into a committee of the whole and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act in relation to the keeping open of the office of the clerk of the county of Schenectady."

"An act authorizing the removal of the female convicts confined in the State prison at Sing Sing, and the confinement of females hereafter convicted of felony, in the county penitentiaries of this State."

"An act to release and convey to Caroline Kertz the interest of the people of the State of New York in certain real estate in the city of Brooklyn."

After some time spent therein, the President resumed the chair, and Mr. Wellman, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Wellman, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered engrossed for a third reading.

On motion of Mr. Jacobs, and by unanimous consent, the rules were suspended and the bill entitled "An act to amend chapter 166 of the Laws of 1874, entitled 'An act to incorporate the Maritime Association

of the port of New York," was ordered considered in first committee of the whole.

On motion of Mr. Sprague, and by unanimous consent, the rules were suspended and the bill entitled "An act to repeal chapter 142 of the Laws of 1873, entitled 'An act to amend chapter 97 of the Laws of 1869, entitled An act to incorporate the trustees of the Minard fund for the benefit of widows and orphans of deceased preachers of the Genesee annual conference,'" was ordered considered in first committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to incorporate Rapid Hose Company No. 1, of the city of Kingston, Ulster county, State of New York."

"An act to repeal chapter 142 of the Laws of 1873, entitled 'An act to amend chapter 97 of the Laws of 1869, entitled An act to incorporate the trustees of the Minard fund for the benefit of widows and orphans of deceased preachers of the Genesee annual conference.'"

"An act to amend chapter 166 of the Laws of 1874, entitled 'An act to incorporate the Maritime Association of the port of New York.'"

After some time spent therein, the President resumed the chair, and Mr. Kennaday, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Kennaday, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bill entitled as follows :

Assembly, "An act to release certain lands which have escheated to the State to Sarah Heneey, widow of John Fagan, late of Saratoga Springs, New York."

Assembly, "An act to regulate voting in the Western New York Agricultural Society."

Assembly, "An act to confirm the official acts of Dugald E. Cameron, heretofore elected a justice of the peace for the town of Caledonia, in the county of Livingston."

After some time spent therein, the President resumed the chair, and Mr. Bixby, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to provide for the construction of fishways in the State dams across the Oswego, Oneida and Seneca rivers."

"An act to amend chapter 323 of the Laws of 1853, entitled 'An act to authorize religious corporations to change their names.'"

"An act to amend chapter 448 of the Laws of 1876, entitled 'An act relating to courts, officers of justice and civil proceedings,' and to provide for the publication of the act as amended."

After some time spent therein the President resumed the chair, and Mr. Moore, from said committee, reported in favor of the passage of the



first named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Moore, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Moore, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Jacobs moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend chapter 176 of the Laws of 1876, entitled 'An act supplementary to chapter 60 of the Laws of 1813, entitled An act to provide for the incorporation of religious societies, and the acts supplementary thereto.'"

Assembly, "An act to provide for the completion of the census or enumeration of the inhabitants of this State."

"An act to legalize the State and county taxes in the city of Cohoes, Albany county, for the years 1870, 1871, 1872, 1873, 1874 and 1875, and to provide for the collection thereof, and to authorize the sale of lands in the city of Cohoes for unpaid State and county taxes."

After some time spent therein the President resumed the chair, and Mr. Doolittle, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Doolittle, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Doolittle, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Harris moved that the committee of the whole be discharged from the further consideration of said bill and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to release the interest of the people of the State of New York in certain real estate in the city of New York, to Letitia Hanson."

Assembly, "An act to provide means for the support of the Inebriates' Home for Kings county, and for the government of the said home, and to amend the several acts relating thereto, passed May 9, 1867, April 30, 1868, May 14, 1872, and June 21, 1875."

"An act authorizing the taxation of stockholders of banks."

After some time spent therein, the President resumed the chair, and Mr. Carpenter, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Carpenter, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act regulating the amount of capital stock for fire and marine insurance companies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act for the relief of O. S. Beardsley, late a contractor in the State prison at Auburn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to incorporate the Oswego Firemen's Relief Society."

"An act to further amend chapter 402 of the Laws of 1854, entitled 'An act for the better security of mechanics and others erecting buildings in the counties of Westchester, Oneida, Cortlandt, Broome, Putnam, Rockland, Orleans, Niagara, Livingston, Otsego, Lewis, Orange and Dutchess.'"

"An act to authorize the mayor of any city in this State to appoint special policemen on application and at the expense of any bank or banks located in such city."

After some time spent therein, the President resumed the chair, and Mr. Harris, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Harris, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

By unanimous consent, Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act further to amend chapter 280 of the Laws of 1852, entitled 'An act further to amend the act entitled An act authorizing the incorporation of rural cemetery associations, passed April 27, 1847,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Wellman, the Senate adjourned.

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## TUESDAY, MARCH 27, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Robertson moved that the consideration of the special order, set down for this hour, being the bill entitled "An act supplemental to chapter 335 of the Laws of 1873, entitled 'An act to re-organize the local government of the city of New York,'" be postponed for ten minutes.

The President put the question whether the Senate would grant said request, and it was decided in the affirmative.

Mr. Starbuck presented a petition of merchants and dealers in New York, for a law to prevent fraud in the sale of butter and cheese, by dealing in adulterations known as oleomargarine; which was read and referred to the committee on agriculture.

Mr. Robertson presented a remonstrance of R. C. Rathbone and other citizens of New York city, against the passage of the bill relative to insurance brokers; which was read and referred to the committee on insurance.

Mr. Prince presented the annual report of the Poppenhusen Institute; which was laid upon the table and ordered printed.

(See Doc. No. 45.)

Mr. Woodin presented a petition of tax-payers of Cayuga county, for the assessment and taxation of all property at its money valuation; which was read and referred to the committee on finance.

By unanimous consent, Mr. Morrissey asked and obtained leave to introduce a bill entitled "An act supplemental to chapter 375 of the Laws of 1873, entitled 'An act to reorganize the local government of the city of New York,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Morrissey asked and obtained leave to introduce a bill entitled "An act to provide for the construction, repair and improvement of docks, wharves, piers, slips and bulk-heads in the city of New York, and for the management and control of the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Morrissey asked and obtained leave to introduce a bill entitled "An act to re-organize the board of commissioners of the sinking fund of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Sprague asked and obtained leave to introduce a bill entitled "An act to legalize the acts of Truman C. White as notary public," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Selkreg moved that the committee on poor laws be discharged from the further consideration of the bill entitled "An act in relation to the relief of the poor in the town of Little Falls, in the county of Herkimer," and that the same be referred to the committee on internal affairs.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend chapter 90 of the Laws of 1865, entitled 'An act to amend and consolidate the several acts in relation to the village of Ilion,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to further amend chapter 249 of the Laws of 1864, entitled 'An act to amend an act entitled An act to provide for the incorporation of villages, passed December 7, 1847, and the several acts amendatory thereof, so far as the same relates to the village of New Rochelle, in the county of Westchester,'" reported in

favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to confirm the election of trustees in the village of North Tonawanda, in the county of Niagara, and to provide for their election hereafter," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sayre, from the committee on roads and bridges, to which was referred the bill entitled "An act to declare Chipmunk creek, in Cattaraugus county, a public highway," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Prince, from the committee on commerce and navigation, to which was referred the bill entitled "An act to incorporate the Brooklyn and Jersey City Ferry Company," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to further amend chapter 402 of the Laws of 1854, entitled 'An act for the better security of mechanics and others erecting buildings in the counties of Westchester, Oneida, Cortland, Broome, Putnam, Rockland, Orleans, Niagara, Livingston, Otsego, Lewis, Orange and Dutchess.'"

"An act authorizing the removal of the female convicts confined in the State prison at Sing, and the confinement of females hereafter convicted of felony, in the county penitentiaries of this State."

"An act to amend chapter 166 of the Laws of 1874, entitled 'An act to incorporate the Maritime Association of the port of New York.'"

"An act to repeal chapter 142 of the Laws of 1873, entitled 'An act to amend chapter 97 of the Laws of 1869, entitled An act to incorporate the trustees of the Minard fund for the benefit of widows and orphans of deceased preachers of the Genesee annual conference.'"

"An act to incorporate the Oswego Firemen's Relief Society."

"An act to amend chapter 176 of the Laws of 1876, entitled 'An act supplementary to chapter 60 of the Laws of 1813, entitled An act to provide for the incorporation of religious societies,' and the acts supplementary thereto."

"An act to amend chapter 323 of the Laws of 1853, entitled 'An act to authorize religious corporations to change their names.'"

"An act to release and convey to Caroline Kerts the interest of the people of the State of New York in certain real estate in the city of Brooklyn."

Mr. Gerard introduced a bill entitled "An act to provide for the disposition of certain lateral canals of this State, and the lands, rights and other property connected therewith," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Gerard offered the following:

*Resolved* (if the Assembly concur), That the Constitution of this State be amended by adding thereto the following, as an additional article, to be called Article XVII:

## ARTICLE XVII.

SECTION 1. The power of the Legislature to provide for the organization and government of cities, shall be exercised in accordance with the provisions, and subject to the limitations and restrictions hereinafter contained, and the powers and franchises of every existing city government must be exercised in conformity therewith. The Legislature shall, at its first session after the adoption of this article, provide by law for carrying into effect all the provisions contained therein.

§ 2. City elections shall be held separately from the State and national elections, and in March or April.

§ 3. The legislative power conferred on any city shall be vested in a board of aldermen, to be elected by the electors qualified under article second of the Constitution, which shall be the common council of said city; but no power hereinafter vested in the board of finance shall be conferred on or exercised by the board of aldermen. In case of a veto of any legislative act of the board of aldermen by the mayor, the board shall have power to pass the same, notwithstanding the mayor's veto, by a recorded vote of two-thirds of all the members elected, provided that such vote be taken at the next meeting of the board after the communication of the veto.

§ 4. The executive power of every city shall be vested in the mayor, and in such executive officers and departments as may be created by law. The mayor shall be the chief executive officer of the city, and he shall see to the faithful performance of their duties by the several executive officers and departments thereof. He shall be elected by electors qualified under article second of the Constitution, for such term, and he shall receive such compensation as the Legislature may prescribe. He shall nominate and, with the consent of the board of finance, appoint the chief officer or head of the financial department, and the chief law officer or head of the law department; and he shall have power to appoint the head or chief officers of the other executive departments. With the written approval of the Governor, the mayor may remove the head or chief officers of any executive department. He shall have power to investigate their accounts and proceedings; have access to all books and documents in their offices, and may examine them and their subordinates under oath, as to all matters relating to the performance of their official duties. He shall also have power to veto any legislative act of the board of aldermen. The mayor may be removed by the Governor for cause, as in the case of sheriffs; and in case of such removal, the Governor shall appoint a mayor to fill the vacancy, who shall hold office until the next succeeding city election, at which election a mayor shall be elected for the full term of the office. The Legislature shall provide for the filling of a vacancy in the office of mayor, otherwise occurring, until the next succeeding city election, and also for the discharge of the duties of the mayor during his temporary absence or disability. Heads of departments shall have power to appoint and remove their subordinate officers and employes, but the Legislature may regulate by law the qualifications for such appointments, and the conditions of such removals.

§ 5. There shall be elected in every city of this State a board of finance, to consist of not less than six, nor more than fifteen members. In cities having a population, according to the State census next preceding the election, of over 100,000 inhabitants, the board of finance shall be elected by the electors of the city (otherwise qualified under

article second of the Constitution), who shall, for two years next preceding the election, have paid an annual tax on property owned by them, and officially assessed for taxation in such city, of the assessed value of not less than \$500, or shall have actually paid during the same period a yearly rental for premises in said city occupied by them for purposes of residence or lawful business, of not less than \$250. In cities having a population according to the State census next preceding the election of not more than 100,000 inhabitants, the board of finance shall be elected by the electors of the city (otherwise qualified under article second of the Constitution), who shall, for two years next preceding the election, have paid an annual tax on property owned by them and officially assessed for taxation in such city, or shall have actually paid during the same period a yearly rent for premises in said city occupied by them for purposes of residence or lawful business of not less than \$100. In cities having a population, according to the State census next preceding the election, of not more than 25,000 inhabitants, the board shall consist of six members. In cities having a population of over 25,000 inhabitants, and not more than 50,000, it shall consist of nine members. In cities having a population of over 50,000 inhabitants, and not more than 100,000, it shall consist of twelve members; and in cities having a population of over 100,000 inhabitants, it shall consist of fifteen members. At the first election one-third of the board shall be elected for a term of one year, one-third thereof for a term of two years, and one-third thereof for a term of three years; and thereafter the term of office shall be three years. The existence of any vacancy in the board shall not of itself suspend the exercise of its powers and duties. The Legislature shall, at its first session after the adoption of this article, and thereafter, from time to time, as may be necessary, provide by general law for the registration, in every city, of electors qualified to vote for the board of finance, and for filling vacancies in said board, and may change the number of members of which the said board shall consist in any city, provided that the number shall not, in any case, be less than six, and that one-third of the board shall be elected annually.

§ 6. The board of finance shall, in every fiscal year, make estimates of the sums of money necessary for the proper administration of the city government during the next fiscal year, and which are to be raised by taxation or supplied by the revenue of the city derivable from other sources and applicable to general purposes. Such estimates shall include the sums requisite for the payment of the interest on bonds or other city debts drawing interest, the principal of any debts payable during the year, judgments against the city, the sums sufficient to make good all deficiencies in the payment of taxes on personal estate for the last preceding year, and any deficiencies in the collection of taxes on real estate for any preceding year which may be found by the board to be uncollectible, and also any deficiencies in the collection of the estimated revenues from other sources, and all other sums required by law to be raised by taxation. The estimates shall also separately state the aggregate amount of moneys in the treasury or receivable during the next fiscal year, applicable to general purposes, in which may be included any prior unexpended appropriations which, in the judgment of the board, may not be required to meet existing liabilities; and shall, in like manner, separately state the aggregate amount to be raised by taxation. The board shall submit the estimates, when completed, to the mayor, who shall, within ten days thereafter, return the same to the board, with his

approval, or with his objection, if any he have, in writing, specifying the items objected to; and the items thus objected to, but no others, shall be reconsidered and finally determined by the board. The board shall, after the return of the estimates by the mayor, and the action of the board upon the items objected to, if any, or in the event of a failure of the mayor to return the same as above required, proceed, by resolution, to declare the estimates to be final and adopted, and the several sums of money therein estimated as necessary, shall become and be appropriated to and for the departments and officers therein mentioned, and for the objects and purposes therein mentioned. The aggregate amount to be raised by taxation shall be stated in such resolution, and shall thereupon be levied and collected in the manner provided by law for the levying and collecting of the city taxes. The board of finance may, during any current fiscal year, by a unanimous vote and with the approval of the mayor, in case of pestilence, conflagration or other unforeseen public calamity, transfer sums of money appropriated to one department, object or purpose, and not required to satisfy existing liabilities, to another department, object or purpose. A vote of a majority of the entire board shall be necessary to the passage of any measure or resolution; and a vote of two-thirds of the entire board shall be necessary to the adoption of the estimates hereinbefore provided for, or any item thereof, or to authorize the issue of any stock or bonds, and in such other cases as are hereinafter specified. It shall be the duty of the several departments, boards and officers, and the common council, to furnish all such statements and accounts as the board of finance may require, and at such times and in such manner as the said board may prescribe; and the board of finance shall also have power to examine the books and papers of the several executive departments and officers, and to examine such officers upon oath, concerning their official business.

§ 7. No debt or liability shall be incurred by any department, board or any officer in any city, unless there shall be at the time an unexpended appropriation applicable thereto sufficient to satisfy the same and all debts and liabilities previously incurred and payable out of such appropriation; and all contracts and engagements in contravention hereof shall be void. Nor shall any debt or liability of the city be paid, except out of money in the treasury appropriated to the purpose of paying such debt or liability. No city government, or any department thereof, shall grant any extra compensation to any officer, servant, agent, contractor or employee.

§ 8. The Legislature shall itself have no power to pass any law for the opening, making, paving, lighting, or otherwise improving or maintaining streets, avenues, parks or places, docks or wharves, or for any other local work or improvement in or for a city, but all authority necessary for such purposes shall be by law conferred on the city government; nor shall the Legislature impose any charge on any city or civil division of the State containing a city, except by a vote of two-thirds of all the members elected to each house. Any local work or improvement, in or for a city, the cost of which is to be wholly paid by the city at large, must be authorized by resolution, passed by the vote of two-thirds of all the members elected to the board of aldermen and board of finance, respectively. Any such work or improvement, the cost of which is to be wholly paid otherwise than by the city at large, must be authorized by the vote of two-thirds of all the members elected to the board of aldermen, with the consent of a majority in interest, to be ascertained in such manner as the Legislature may prescribe, of all the owners of

land within the district of assessment limited for the cost of such work or improvement. Any such work or improvement, the cost of which is to be paid in part by the city at large, and in part by local assessment, must be authorized by a resolution passed by the vote of two-thirds of all the members elected to the board of aldermen and board of finance, respectively, with the consent of a majority in interest, to be ascertained as hereinbefore directed, of all the owners of the land within the prescribed district of assessment.

§ 9. No money shall be borrowed by any city government for the purpose of defraying any of the expenses of the city for which an appropriation has been made, except in anticipation of the revenue of the year in which the same may be borrowed, applicable to such purposes; and all moneys so borrowed must be paid out of such revenue, or out of revenues specially provided to supply any deficiency in the collection thereof; provided, however, that temporary loans, in anticipation of taxes, may be renewed, so far as such taxes may not have been collected, when the same are, in the opinion of the board, fully secured by valid liens on real estate. No city shall borrow any money for any other purpose, except under and in accordance with the following conditions and limitations, in addition to any other conditions and limitations contained in the Constitution:

1. The debt must be for some single work or object only, and must be authorized by a resolution passed by a vote of two-thirds of all the members of the board of finance, and approved by the mayor, distinctly specifying such work or object, and the amount of the debt to be incurred.

2. The Legislature must, before the creation of such a debt, assent thereto by a law passed by a vote of two-thirds of all the members elected to each house. Such law shall also distinctly specify the single work or object for which the debt is created, and the amount of the debt authorized, and shall contain provisions for a sinking fund to meet the same at maturity, and requiring at least ten per cent of the principal to be annually raised by taxation and paid into the sinking fund.

§ 10. Except as prescribed by the first section of this article, no change in the organization of, or in the distribution of powers in, a city government, or in the terms or tenure of office therein, shall be made by the Legislature, unless by an act passed upon the application of the city, made by resolution both of the board of aldermen and of the board of finance, respectively, approved by the mayor, or by an act which shall have received the sanction of two successive Legislatures.

*Ordered,* That said resolution be referred to the committee on the judiciary.

Mr. Coleman introduced a bill entitled "An act to release to George W. Allen and Mary E. Smith, both of the village of Greenbush, in the county of Rensselaer and State of New York, the title and interest of the people of the State of New York in the real estate of which John S. Smith, late of the said village of Greenbush, died seized," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Bixby introduced a bill entitled "An act to amend chapter 584 of the Laws of 1871, entitled 'An act to provide for the better prevention of fires in the city of New York, and to prescribe the powers and duties of the city fire marshal in relation thereto,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.



Mr. Robertson introduced a bill entitled "An act to amend chapter 818 of the Laws of 1868, entitled 'An act to incorporate the village of Port Chester, passed May 14, 1868,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Vedder introduced a bill entitled "An act to amend chapter 596 of the Laws of 1874, entitled 'An act to incorporate the Manhattan Mortgage Company,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

Mr. Selkreg introduced a bill entitled "An act to amend chapter 198 of the Laws of 1870, entitled 'An act to amend chapter 140 of the Laws of 1850, entitled 'An act to authorize the formation of railroad corporations and to regulate the same,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Cole introduced a bill entitled "An act in relation to the Superintendent of Public Works," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows:

"An act supplemental to chapter 335 of the Laws of 1873, entitled 'An act to re-organize the local government of the city of New York.'"

After some time spent therein, the President resumed the chair, and Mr. Cole, from said committee, reported in favor of the passage of the said named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Woodin moved that said bill, as amended in committee of the whole, be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to provide for the construction, repair, and improvement of docks, wharves, piers, slips and bulk-heads in the city of New York, and for the management and control of the same," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to re-organize the board of commissioners of the sinking fund of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin moved that the consideration of both the foregoing bills be made a special order for to-morrow morning, immediately after the order of business of introduction of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

By unanimous consent, Mr. Jacobs asked and obtained leave to introduce a bill entitled "An act in relation to the fees and costs in civil actions and proceedings before justices of the peace in the city of Brooklyn, and the payment thereof," which was read the first time, and by unanimous

consent was also read the second time, and referred to the committee on the judiciary.

The Assembly bill entitled "An act to legalize the official acts of Dugald E. Cameron, a justice of the peace in and for the town of Caledonia, in the county of Livingston," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Sprague
Carpenter	Harris	Morrissey	Starbuck
Cole	Jacobs	Robertson	Tobey
Coleman	Kennaday	Sayre	Wellman
Doolittle	McCarthy	Selkreg	Woodin

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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

On motion of Mr. Coleman, and by unanimous consent, the Senate, in open executive session, confirmed the nominations of certain notaries public.

The Assembly bill entitled "An act to provide for the completion of the census or enumeration of the inhabitants of this State," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Emerson	Kennaday	Sayre
Bradley	Gerard	McCarthy	Starbuck
Carpenter	Hammond	Moore	Tobey
Cole	Harris	Prince	Wagstaff
Coleman	Jacobs	Robertson	Wellman
Doolittle			

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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to release the interest of the people of the State of New York, in certain real estate in the city of New York, to Letitia Hanson," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bixby	Emerson	Moore	Starbuck
Bradley	Gerard	Prince	Tobey
Carpenter	Hammond	Robertson	Wagstaff
Cole	Jacobs	Sayre	Wellman
Coleman	Kennaday	Selkreg	Woodin
Doolittle	McCarthy	Sprague	

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to regulate voting in the Western New York Agricultural Society," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Sprague
Bradley	Gerard	Moore	Starbuck
Carpenter	Hammond	Robertson	Wagstaff
Cole	Harris	Sayre	Wellman
Coleman	Jacobs	Selkreg	Woodfin
Doolittle	Kennaday		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to the keeping open of the office of the clerk of the county of Schenectady," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Selkreg
Bradley	Gerard	Moore	Sprague
Carpenter	Hammond	Prince	Starbuck
Cole	Harris	Robertson	Wagstaff
Coleman	Jacobs	Sayre	Wellman
Doolittle	Kennaday		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to release certain lands which have escheated to the State, to Sarah Henesy, widow of John Fagan, late of Saratoga Springs, New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Selkreg
Bradley	Gerard	Moore	Sprague
Carpenter	Hammond	Prince	Starbuck
Cole	Harris	Robertson	Wagstaff
Coleman	Jacobs	Sayre	Wellman
Doolittle	Kennaday		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

On motion of Mr. Robertson the Senate took a recess until half-past seven o'clock, p. m.

## HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

The Assembly sent for concurrence the bill entitled as follows:

"An act further to amend chapter 338 of the Laws of 1875, entitled 'An act to amend an act entitled An act for the relief of the surviving members of the First Regiment of New York Volunteers, who served in the war with Mexico,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act to amend chapter 129 of the Laws of 1872, entitled 'An act to amend an act passed May 3, 1870, entitled An act to amend an act to incorporate the city of Troy, passed April 12, 1816, and the several acts amendatory thereof, and also to amend other acts relating to the city of Troy.'"

"An act to amend chapter 12 of the Laws of 1848, entitled 'An act in relation to the city of Troy, as amended by chapter 210 of the Laws of 1849, entitled An act to amend an act entitled An act in relation to the city of Troy,' passed January 28, 1848."

*Ordered*, That the Clerk deliver said bills to the Governor.

The bill entitled "An act to amend chapter 667 of the Laws of 1870, entitled 'An act to incorporate the Brooklyn Library Building Fund Association of the Eastern District,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bradley	Hammond	Moore	Selkreg
Carpenter	Jacobs	Morrissey	Vedder
Cole	Lamont	Prince	Wagner
Coleman	Loomis	Robertson	Woodin
Doolittle	McCarthy		

18

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein, as amended.

The bill entitled "An act to amend chapter 475 of the Laws of 1867, entitled 'An act enabling national banking associations to become State banking associations, and to amend the banking laws of this State,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bradley	Hammond	McCarthy	Sayre
Carpenter	Harris	Moore	Selkreg
Cole	Jacobs	Morrissey	Wagner

Coleman	Kennaday	Prince	Woodin	
Doolittle	Loomis	Robertson		19

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the Union Plank-road Company, its lessees or assigns, to change the location of a part of the track of said road in the city of Kingston," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bradley	Hammond	McCarthy	Sayre	
Carpenter	Harris	Moore	Selkreg	
Cole	Jacobs	Morrissey	Sprague	
Coleman	Kennaday	Prince	Wagner	
Doolittle	Loomis	Robertson	Woodin	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act supplemental to chapter 335 of the Laws of 1873, entitled 'An act to re-organize the local government of the city of New York,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Sprague, from the committee on miscellaneous corporations, to which was recommitted the bill entitled "An act to incorporate the Cathedral of the Incarnation, in the diocese of Long Island," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to authorize the Richmond County Storage and Business Company, to reduce the number of its directors," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Sprague, from the committee on miscellaneous corporations to which was referred the Assembly bill entitled "An act to amend chapter 264 of the Laws of 1817, entitled 'An act to incorporate the members of the New York Institution for the Instruction of the Deaf and Dumb,'" with amendments thereto, reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The bill entitled "An act to amend chapter 654 of the Laws of 1869, entitled 'An act authorizing the construction of a railroad through certain streets in the city of Poughkeepsie, and through certain streets and roads in the town of Poughkeepsie, in the county of Dutchess,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bradley	Hammond	McCarthy	Sayre
Carpenter	Harris	Moore	Selkreg
Cole	Jacobs	Morrissey	Sprague
Coleman	Kennaday	Prince	Wagner
Doolittle	Loomis	Robertson	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to extend the time to complete the city and county hall, in the city of Buffalo, and the term of the commissioners appointed for that purpose," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bradley	Harris	Morrissey	Sprague
Carpenter	Jacobs	Prince	Vedder
Cole	Kennaday	Robertson	Wagner
Coleman	Loomis	Sayre	Wellman
Doolittle	McCarthy	Selkreg	Woodin
Hammond	Moore		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 512 of the Laws of 1867, entitled 'An act to incorporate the village of Hart's Falls, in the county of Rensselaer,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bradley	Harris	Morrissey	Starbuck
Carpenter	Jacobs	Prince	Tobey
Cole	Kennaday	Robertson	Vedder
Coleman	Loomis	Sayre	Wagner
Doolittle	McCarthy	Selkreg	Wellman
Hammond	Moore	Sprague	Woodin

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to confirm the proceedings of the town meeting held in Geneva, authorizing the raising of money for road and bridge purposes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bradley	Jacobs	Prince	Tobey
Carpenter	Kennaday	Robertson	Vedder

Cole	Loomis	Sayre	Wagner
Coleman	McCarthy	Selkreg	Wagstaff
Doolittle	Moore	Sprague	Wellman
Hammond	Morrissey	Starbuck	Woodin
Harris			

25

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The Assembly bill entitled "An act to provide for the construction of fishways in the State dams across the Oswego, Oneida and Seneca rivers," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bradley	Jacobs	Robertson	Vedder
Carpenter	Kennaday	Sayre	Wagner
Coleman	Loomis	Selkreg	Wagstaff
Doolittle	McCarthy	Starbuck	Wellman
Hammond	Moore	Tobey	Woodin
Harris			

21

## FOR THE NEGATIVE.

Morrissey

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to amend chapter 366 of the Laws of 1859, entitled 'An act to establish an insurance department,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate, voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bradley	Kennaday	Prince	Tobey
Carpenter	Lamont	Robertson	Vedder
Coleman	Loomis	Sayre	Wagner
Doolittle	McCarthy	Selkreg	Wagstaff
Harris	Moore	Starbuck	Wellman
Jacobs	Morrissey		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 36 of the Laws of 1873, entitled 'An act to provide for a supply of water in the city of Yonkers,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bradley	Jacobs	Prince	Tobey
Carpenter	Kennaday	Robertson	Vedder

Cole	Lamont	Sayre	Wagner
Coleman	Loomis	Selkreg	Wagstaff
Doolittle	McCarthy	Sprague	Wellman
Hammond	Moore	Starbuck	Woodin
Harris	Morrissey		

26

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend chapter 270 of the Laws of 1876, entitled 'An act to incorporate the Grand Army of the Republic Soldiers' Home of the State of New York,' passed May 16, 1876," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Harris	Moore	Starbuck
Carpenter	Jacobs	Morrissey	Tobey
Cole	Kennaday	Prince	Vedder
Coleman	Lamont	Robertson	Wagner
Doolittle	Loomis	Sayre	Wagstaff
Gerard	McCarthy	Sprague	Wellman

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to incorporate the Grand Lodge of the Ancient Order of United Workmen of the State of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Morrissey	Starbuck	
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2

FOR THE NEGATIVE.

Carpenter	Kennaday	Selkreg	Tobey
Coleman	Loomis	Sprague	Vedder
Doolittle	Moore		

10

Mr. Vedder moved to reconsider the vote by which said bill was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Hammond	Prince	Vedder
Carpenter	Jacobs	Sayre	Wagner
Cole	Loomis	Selkreg	Wagstaff
Coleman	McCarthy	Sprague	Wellman



Doolittle  
GerardMoore  
Morrissey

Tobey

Woodin

22

## FOR THE NEGATIVE.

Harris

Kennaday

Robertson

Starbuck

4

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to amend or repeal the incorporation of the Clyde and Rose Plank-road Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Cole, from the committee on canals, to which was referred the bill entitled "An act in relation to the Superintendent of Public Works," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Cole moved that said bill be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

By unanimous consent, Mr. Cole, from the committee on canals, to which was referred the bill entitled "An act to provide for the disposition of certain lateral canals of this State, and the lands, rights and other property connected therewith," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

The Assembly returned the Assembly bill entitled "An act making appropriations for the support of government," with a message that they had agreed to the report of the committee of conference thereon, except as to that portion thereof relating to sheriffs' fees for the transportation of convicts to State prisons, and as to that portion they do not concur, request a committee of conference thereon, and have appointed a committee on their part consisting of Messrs. Cozans, Marvin, Strahan, Langbein and Lyon.

Mr. Harris moved that a like committee on the part of the Senate be appointed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee, Messrs. Harris, Carpenter and Gerard.

*Ordered*, That the Clerk return said bill to the Assembly, with a message assenting to the appointment of a committee of conference.

The bill entitled "An act to release and convey to Caroline Kertz the interest of the people of the State of New York in certain real estate in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bixby	Hammond	Moore	Starbuck
Bradley	Harris	Morrissey	Tobey
Carpenter	Jacobs	Prince	Vedder
Cole	Kennaday	Robertson	Wagner
Coleman	Lamont	Sayre	Wagstaff
Doolittle	Loomis	Selkreg	Wellman
Gerard	McCarthy	Sprague	Woodin

28

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 323 of the Laws of 1853, entitled 'An act to authorize religious corporations to change their names,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bixby	Hammond	Morrissey	Tobey
Bradley	Harris	Robertson	Vedder
Carpenter	Jacobs	Sayre	Wagner
Cole	Kennaday	Selkreg	Wagstaff
Coleman	Loomis	Sprague	Wellman
Doolittle	McCarthy	Starbuck	Woodin
Gerard .	Moore		

26

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to release and convey to Mary Graham, the interest of the people of the State of New York in certain real estate," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Starbuck
Bradley	Harris	Prince	Vedder
Carpenter	Jacobs	Robertson	Wagner
Cole	Kennaday	Sayre	Wagstaff
Coleman	Loomis	Selkreg	Wellman
Doolittle	McCarthy	Sprague	

23

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act to amend chapter 176 of the Laws of 1876, entitled 'An act supplementary to chapter 60 of the Laws of 1813, entitled An act to provide for the incorporation of religious societies, and the acts supplementary thereto,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :



The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Harris	Morrissey	Tobey
Cole	Lamont	Robertson	Vedder
Doolittle	Loomis	Sayre	Wagner
Emerson	McCarthy	Sprague	Wagstaff
Gerard	Moore	Starbuck	Wellman
Hammond			

21

## FOR THE NEGATIVE.

Selkreg	
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1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to further amend chapter 402 of the Laws of 1854, entitled 'An act for the better security of mechanics and others erecting buildings in the counties Westchester, Oneida, Cortland, Broome, Putnam, Rockland, Orleans, Niagara, Livingston, Otsego, Lewis, Orange and Dutchess,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Starbuck
Bradley	Hammond	Moore	Vedder
Cole	Harris	Morrissey	Wagner
Coleman	Kennaday	Prince	Wagstaff
Doolittle	Lamont	Robertson	Wellman
Emerson	Loomis	Selkreg	

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 341 of the Laws of 1876, entitled 'An act regulating the forfeiture of life insurance policies,' having been announced for a third reading,

Mr. Starbuck moved that said bill be recommitted to the committee of the whole, retaining its place in the order of third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to incorporate the Cathedral of the Incarnation, in the diocese of Long Island."

Assembly, "An act making appropriations for the payment of the principal and the interest of the canal debt for the fiscal year commencing on the 1st day of October, 1877, and to provide means to pay the interest on the debt contracted under section 3 of article 7 of the Constitution, for the fiscal year commencing on the 1st day of October, 1876, and ending on the 30th day of September, 1878."

"An act in relation to the Superintendent of Public Works."

After some time spent therein, the President resumed the chair, and Mr. Vedder, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Vedder, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Vedder, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

On motion of Mr. Cole, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Gerard	Morrissey	Starbuck
Bradley	Hammond	Prince	Vedder
Carpenter	Harris.	Robertson	Wagner
Cole	Loomis	Sayre	Wagstaff
Coleman	McCarthy	Schoonmaker	Woodin
Doolittle	Moore	Sprague	

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Moore, and by unanimous consent, the rules were suspended and the Senate, in open executive session, confirmed the nominations of certain notaries public.

On motion of Mr. Moore, and by unanimous consent, the rules were suspended, and said confirmations were ordered to be sent to the Governor to-day.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to confirm the election of trustees in the village of North Tonawanda, in the county of Niagara, and to provide for their election hereafter."

Assembly, "An act for the relief of the Kips Bay Methodist Episcopal church."

"An act in relation to the collection of taxes and the sales of land therefor in certain towns of Queens county."

After some time spent therein, the President resumed the chair, and Mr. McCarthy, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. McCarthy, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Prince moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act authorizing life insurance companies that register policies, to deposit to the account of such policies, New York city and Brooklyn city bonds."

Assembly, "An act in relation to collectors and receivers of taxes."

"An act to incorporate the Grand Central Railway Company of Bolivia."

After some time spent therein, the President resumed the chair, and Mr. Moore, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Moore, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Moore, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

On motion of Mr. Doolittle, the Senate adjourned.

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### WEDNESDAY, MARCH 28, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Carpenter presented a petition of tax-payers of Columbia county, in favor of taxing all property according to its money value; which was read and referred to the committee on finance.

Mr. Wellman presented a petition of tax-payers of the village of Avon, Livingston county, for an amendment to charter, enabling them to bond the village for the purpose of purchase of land for a public park; which was read and referred to the committee on the affairs of villages.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to legalize and confirm the acts of Truman C. White, as notary public," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act respecting the power of the Union Home and School for the education and maintenance of the children of our volunteers who are left unprovided for, to take and hold real and personal estate," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act further to amend chapter 420 of the Laws of 1862, entitled 'An act to incorporate the Union Home and School for the education and maintenance of the children of volunteers,'" and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to exempt the counties of

Suffolk, Tioga, Onondaga, Saratoga, Ontario, Yates, Rensselaer, Erie, Genesee, Schenectady, Monroe, Livingston and Otsego from the provisions and operation of chapter 180 of the Laws of 1875, entitled 'An act creating a board of town auditors in the several towns of this State, and to prescribe their powers and duties,' passed April 29, 1875," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to exempt the counties of Suffolk, Tioga, Onondaga, Saratoga, Ontario, Yates, Rensselaer, Genesee, Schenectady, Monroe, Livingston and Otsego, from the provisions and operation of chapter 180 of the Laws of 1875, entitled 'An act creating a board of town auditors in the several towns of this State, and to prescribe their powers and duties.'"

On motion of Mr. Prince, and by unanimous consent, the rules were suspended, and said bill was ordered considered in first committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend chapter 767 of the Laws of 1872, entitled 'An act to establish the compensation of county judges and surrogates pursuant to the fifteenth section of the amended sixth article of the Constitution,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Coleman, from the committee on banks, to which was referred the bill entitled "An act to amend chapter 571 of the Laws 1866, entitled, 'An act to incorporate the Brooklyn Trust Company,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to legalize the incorporation of Schenevus village, Otsego county, New York," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend chapter 818 of the Laws of 1868, entitled 'An act to incorporate the village of Port Chester,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend chapter 435 of the Laws of 1868, entitled 'An act to incorporate the village of Hamilton, in the county of Madison, and repeal its present charter, and to repeal chapter 250 of the Laws of 1870, chapter 18 of the Laws of 1874, and chapter 142 of the Laws of 1875,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. McCarthy, from the committee on literature, to which was referred the Assembly bill entitled "An act to amend chapter 44 of the Laws of 1828, entitled 'An act relative to the common school fund of Edmeston, in the county of Otsego,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. McCarthy, from the committee on literature, to which was referred the Assembly bill entitled "An act to amend chapter 555 of the Laws of 1864, entitled 'An act to revise and consolidate the general acts relating to public instruction,' passed May 2, 1864," reported in favor of the pas.

sage of the same, and said bill was committed to the committee of the whole.

Mr. McCarthy, from the committee on literature, to which was referred the Assembly bill entitled "An act to amend chapter 329 of the Laws of 1871, being an act to amend chapter 800 of the session laws of 1866, relative to the taking of lands for the erection of school-houses, or making additions thereto," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on Indian affairs, to which was referred the bill entitled "An act to amend chapter 178 of the Laws of 1847, entitled 'An act to provide for the distribution of the annuity due to the Onondaga Indians,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act for the relief of C. S. Beardsley, late a contractor in the State prison at Auburn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act to amend chapter 395 of the Laws of 1859, entitled 'An act in relation to the colonial history of the State, and the natural history thereof,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act to authorize the payment of certain moneys out of the State treasury to the heirs-at-law of Maria Brimmayer, deceased," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act to authorize the Comptroller to audit and allow certain accounts for supplies and building materials furnished to the Superintendent of the State Asylum for insane convicts in Auburn," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to legalize the State and county taxes in the city of Cohoes, Albany county, for the years 1870, 1871, 1872, 1873, 1874 and 1875, and to provide for the collection thereof, and to authorize the sale of lands in the city of Cohoes for unpaid State and county taxes."

"An act supplemental to chapter 335 of the Laws of 1873, entitled 'An act to re-organize the local government of the city of New York.'"

"An act in relation to the Superintendent of Public Works."

"An act authorizing life insurance companies that register policies, to deposit to the account of such policies, New York city and Brooklyn city bonds."

"An act to incorporate the Cathedral of the Incarnation, in the diocese of Long Island."

Mr. Gerard introduced a bill entitled "An act authorizing the schools in charge of the New York Protestant School Mission Society to participate in the common school fund," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

Mr. McCarthy introduced a bill entitled "An act to amend chapter 461 of the Laws of 1872, entitled 'An act to incorporate the St. Agnes



Cemetery of Syracuse," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

Mr. Prince introduced a bill entitled "An act to enable Long Island City to refund a portion of its Newtown debt," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Starbuck introduced a bill entitled "An act for the protection of dairymen, and to prevent deception and secure fair dealing in sales of butter and cheese," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on agriculture.

Mr. Sprague introduced a bill entitled "An act in respect to the printed minutes of the proceedings of the common council of the city of Buffalo," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Gerard introduced a bill entitled "An act authorizing the surrogate of the county of New York to charge and collect certain fees, and directing the disposition thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Wagstaff introduced a bill entitled "An act relative to jurors in district courts in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act relative to summary proceedings to recover the possession of lands for non-payment of rent, and for holding over after expiration of term in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act in relation to the Superintendent of Public Works."

"An act to amend chapter 475 of the Laws of 1867, entitled 'An act enabling national banking associations to become State banking associations, and to amend the banking laws of this State,'"

*Ordered*, That the Clerk deliver said bills to the Governor.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special orders, being the bills entitled as follows:

"An act to provide for the construction, repair and improvement of docks, wharves, piers, slips and bulk-heads in the city of New York, and for the management and control of the same."

"An act to re-organize the board of commissioners of the sinking fund of the city of New York."

After some time spent therein the President resumed the chair, and Mr. Emerson, from said committee, reported in favor of the passage of the said named bills, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

On motion of Mr. Jacobs, and by unanimous consent, the rules were suspended, and the Senate, in open executive session, confirmed the appointment of certain notaries public for the county of Kings.

On motion of Mr. Jacobs, and by unanimous consent, the rules were suspended, and it was ordered that the confirmation of the same be delivered to the Governor to-day.

A message was received from the Governor in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, *March 28, 1877.*

*To the Senate:*

I return without my approval Senate bill No. 190, entitled "An act to provide for the appointment of an additional number of notaries public."

In 1863 the whole number of notaries public in the State was 2,624. In that year an act was passed which increased the number to a small extent. In various years since that date acts have been passed increasing the number to a very large extent until it now amounts to 11,742. There is manifestly no necessity for any such number. It amounts to one notary to every ninety-six votes. The bill under consideration, if approved, will add 1,290 more, making a total of 13,032, equivalent to one notary to every eighty-seven voters. I can see no reason or propriety in any further increase of the number. As it now stands, the clerical force in the executive office is insufficient to take care of all the applications for appointments, to carry on the correspondence relating thereto, to prepare the commissions which are required to be issued to each one of the notaries, to prepare the lists for nomination, and to keep the record of the appointments. If the number is to be increased, as this bill proposes, to over 13,000, an additional clerical force will be indispensable. It is also undoubtedly true, that in the appointment of so large a number, without any opportunity for proper security, many persons receive appointments who know little or nothing of the duties pertaining to the office, and are wholly unfit to be intrusted with it.

L. ROBINSON.

The President put the question, shall this bill be passed, notwithstanding the objections of the Governor.

Pending which,

Mr. Emerson moved that the message be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Sayre, from the committee on roads and bridges, to which was referred the bill entitled "An act to authorize the commissioners of highways of the town of Corning, in the county of Steuben, to maintain and keep in repair certain bridges and the approaches thereto, and to cause the insurance thereof against loss or damage by fire," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend section 50 of article 3, title 1 of chapter 16 of the first part of the Revised Statutes, in relation to highways, amended by chapter 1791 of the Laws of 1868, and by chapter 461 of the Laws of 1870," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act directing the Brooklyn Trust Company to pay over to the supervisor of the town of New Lots, certain moneys deposited with them by the commissioners for the laying out, grading and improving Atlantic avenue, in the town of New Lots, in the county of Kings," reported in favor of the

passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend chapter 583 of the Laws of 1874, entitled 'An act to lay out and improve a public highway or avenue and concourse in continuation of a public highway or avenue heretofore laid out from Prospect park, in the city of Brooklyn, toward Coney Island, in the county of Kings, as amended by chapter 489 of the Laws of 1875,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Wellman asked and obtained leave to introduce a bill entitled "An act to authorize the village of Avon, Livingston county, to issue its bonds to purchase land for a public park," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

On motion of Mr. Jacobs the Senate adjourned.

## THURSDAY, MARCH 29, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Wellman presented a petition of citizens of Allegany county asking relief for the widow of Rev. Ichabod B. Sharp; which was read and referred to the committee on finance.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to fees and costs in civil actions and proceedings, before justices of the peace in the city of Brooklyn, and the payment thereof," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 692 of the Laws of 1866, entitled 'An act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices courts and for other purposes,'" and supplementary thereto, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act authorizing and directing the surrogate of Cattaraugus, to distribute to the collateral next of kin of Daniel W. Smith, his legacy under the last will and testament of his father, Russel Smith, deceased," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Prince, from the committee on commerce and navigation, to which was referred the bill entitled "An act establishing a ferry from Essex village, county of Essex, across Lake Champlain," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act establishing a ferry from Essex village, in the county of Essex, across Lake Champlain to the town of Charlotte, in the State

of Vermont," and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to incorporate the Grand Central Railway Company of Bolivia."

"An act to re-organize the board of commissioners of the sinking fund of the city of New York."

"An act to provide for the construction, repair and improvement of docks, wharves, piers, slips and bulk-heads in the city of New York, and for the management and control of the same."

"An act in relation to the collection of taxes and the sales of land therefor in certain towns of Queens county."

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to enable Long Island City to refund a portion of its Newtown debt," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act in relation to the city government of Long Island City," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend and make additions to chapter 463 of the Laws of 1880, entitled 'An act to revise the charter of the city of Oswego,' and the acts amendatory thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act in respect to the printed minutes of the proceedings of the common council of the city of Buffalo," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend chapter 742 of the Laws of 1871, entitled 'An act in relation to storage and the keeping of combustible material in the city of New York, the use and control of the fire alarm telegraph, the incumbrance of hydrants, and other purposes connected with the prevention and extinguishment of fires therein, and imposing certain powers and duties upon the board of fire commissioners of said city,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend the charter of the city of Syracuse, so far as concerns the re-organization of the fire department of said city," reported in favor of the passage of the same.

On motion of Mr. McCarthy, and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Schoonmaker
Bradley	Harris	Morrissey	Selkreg
Carpenter	Jacobs	Robertson	Wagstaff
Cole	Kennaday	St. John	Wellman
Coleman	Loomis	Sayre	Woodin
Emerson	McCarthy		

22

On motion of Mr. McCarthy, and by unanimous consent, the rules were suspended, and the Clerk was ordered to return said bill to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to provide for the raising of moneys to defray the expense of paving Boston avenue and Third avenue from Westchester avenue to the northerly boundary of the Twenty-third ward, in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act in relation to the change of grades of streets and avenues in the Twenty-third and Twenty-fourth wards of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Prince, from the committee on commerce and navigation, to which was referred the bill entitled "An act to authorize the Fishkill and Newburgh Railroad Company to build a bridge across the Hudson river," reported adversely thereto, which report was agreed to, and said bill rejected.

The Assembly sent for concurrence the bills entitled as follows:

"An act to incorporate 'St. Raymond's Cemetery' of Westchester, in the State of New York," which was read the first time, and by unanimous consent was also read the second time.

Mr. Bixby moved that said bill be substituted for Senate bill No. 21, now on order of third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

"An act to legalize the acts of Roselle W. Higgins, as notary public of Jefferson county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act further to amend chapter 450 of the Laws of 1847, entitled 'An act requiring compensation for causing death by wrongful act, neglect or default,' as amended by chapter 78 of the Laws of 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act authorizing the trustees of the village of Ballston Spa to issue bonds, to be known as 'Extended Water Bonds,' to pay a portion of the water bonds now outstanding of said village, maturing in the year 1877," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to legalize and confirm the proceedings of the board of trustees of the village of Andes, in the county of Delaware, in relation to the purchase of hydrants for the use of said village and the creation of a debt for that purpose, and to provide for the payment thereof," which

was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend chapter 335 of the Laws of 1871, entitled 'An act to authorize the appointment of a person to be public administrator in the county of Kings, and to determine the powers and duties of such officer,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to incorporate the Horseheads fire department," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act entitled 'An act to authorize a recovery at law for certain printing done for, and stationery furnished to, the boards of aldermen and assistant aldermen in the city of New York,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act regulating the practice in the surrogate's court of the county of New York, respecting testimony taken in contested matters, and as to the issue of letters of guardianship to testamentary guardians," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to provide for making, to the New York infirmary for women and children, allowances and payments for the care and maintenance of lying-in and nursing women," which was read the first time, and by unanimous consent was also read the second time.

Mr. Jacobs moved that said bill be substituted for Senate bill No. 162, now on order of third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

"An act in relation to proceedings in surrogate's courts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to legalize the acts of Charles O. Wakeley as notary public," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act additional to chapter 370 of the Laws of 1872, entitled 'An act to amend an act relating to the rates of wharfage on canal boats, and to regulate piers, wharves, bulk-heads and slips in the cities of New York and Brooklyn,' passed May 6, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to amend chapter 766 of the Laws of 1868, entitled 'An act to empower Ulster Lodge No. 59 of the Independent Order of Odd Fellows of the State of New York, in the village of Saugerties and county of Ulster, to hold and convey real and personal estate, and constitute the same a corporation,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act to amend section 23 of chapter 10 of the Laws of 1859, entitled 'An act to amend an act entitled 'An act to revise, amend and consolidate the several acts relating to the village of Whitesborough,' passed February 12, 1859, as amended by chapter 304 of the Laws of 1873," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend chapter 224 of the Laws of 1872, entitled 'An act to amend an act entitled An act to consolidate and amend the several acts relating to the village of Watkins, and to enlarge the powers of the corporation of said village, passed April 3, 1861,' passed April 12, 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to create a board of assessors in and for the city of Utica," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend chapter 101 of the Laws of 1862, entitled 'An act in relation to the support and custody of indigent insane persons of the county of Genesee,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to incorporate the fire department of the village of Plattsburgh," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act in relation to countersigning warrants for payments from the treasury of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to legalize the acts of George H. Clark, as notary public," which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Schoonmaker, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Emerson	Moore	Schoonmaker
Bradley	Gerard	Morrissey	Selkreg
Carpenter	Harris	Robertson	Tobey
Cole	Jacobs	St. John	Wagner
Coleman	Loomis	Sayre	Wellman
Doolittle	McCarthy		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

"An act to amend sections 75 and 76 of the charter of the city of Kingston," which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Schoonmaker, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Emerson	Loomis	Sayre
Bradley	Gerard	McCarthy	Schoonmaker

Carpenter	Harris	Morrissey	Sprague
Cole	Jacobs	Robertson	Wellman
Coleman	Kennaday	St. John	Woodin

20

On motion of Mr. Schoonmaker, and by unanimous consent, the rules were suspended and the Clerk was ordered to return said bill to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same.

"An act to authorize the common council of the city of Buffalo to make an appropriation for the deficiency in the poor fund of 1876, of said city," which was read the first time, and by unanims consent was also read a second time.

On motion of Mr. Sprague, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Schoonmaker
Bradley	Hammond	Moore	Selkreg
Carpenter	Harris	Prince	Sprague
Cole	Jacobs	Robertson	Tobey
Coleman	Kennaday	St. John	Wagner
Doolittle	Loomis	Sayre	Wellman
Emerson			

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

"An act to amend chapter 156 of the Laws of 1852, entitled 'An act to amend an act entitled An act to provide for the establishment of free schools in the village of Newburgh,' passed April 6, 1852, passed March 7, 1865," which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. St. John, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Selkreg
Bradley	Hammond	Morrissey	Starbuck
Carpenter	Harris	Robertson	Tobey
Cole	Jacobs	St. John	Wagner
Doolittle	Kennaday	Sayre	Wellman
Emerson	McCarthy		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly returned the bill entitled "An act further to amend chapter 692 of the Laws of 1866, entitled 'An act to amend an act fixing



the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts, and for other purposes," with a message that they had concurred in the passage of the same, with the following amendments:

Section 1, line 1, strike out the word "one," and insert the word "eight." Change number of subdivision to 8, instead of 1.

Amend title so as to read: "An act to amend chapter 892 of the Laws of 1886, entitled 'An act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts, and for other purposes.'"

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Hammond	Morrissey	Selkreg
Bradley	Harris	Prince	Starbuck
Carpenter	Jacobs	Robertson	Tobey
Cole	Kennaday	St. John	Wagner
Doolittle	Lamont	Sayre	Wagstaff
Emerson	McCarthy	Schoonmaker	Wellman
Gerard	Moore		

26

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act for the better administration of justice in the town of Watervliet, in the county of Albany," with a message that they had concurred in the passage of the same, with the following amendment:

Section 4, line 2, strike out the word "five," and insert the word "eight."

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Harris	Morrissey	Selkreg
Bradley	Jacobs	Prince	Starbuck
Carpenter	Kennaday	Robertson	Tobey
Cole	Lamont	St. John	Wagner
Doolittle	Loomis	Sayre	Wagstaff
Emerson	McCarthy	Schoonmaker	Wellman
Gerard	Moore		

26

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to provide for the collection of unpaid city taxes in the city of Syracuse," with a message that they had concurred in the passage of the same with the following amendments:

Strike out all after the enacting clause and insert as follows:

Section 1. It shall be the duty of the treasurer and tax receiver of the city of Syracuse, in each year, immediately after the corrected lists of

unpaid city taxes shall have been filed by him in the clerk's office of Onondaga county, as now provided by law, to make and retain in his office a copy thereof, adding to each one of such unpaid taxes the sum of twenty-five cents for filing and one dollar for re-assessing the same, together with seven per cent fees on each unpaid tax.

§ 2. The said treasurer and tax receiver shall thereupon proceed to collect all such unpaid city taxes as follows: Whenever any such tax charged on real estate in said city, and the interest thereon at the rate of twelve per cent per annum to be computed from the first day of February when such tax was payable, with fees and expenses mentioned in the first section of this act, shall remain unpaid for six months from said first day of February, the said treasurer and tax receiver shall proceed to advertise and sell such real estate, in the manner hereinafter provided, for the payment of such tax, fees, interest and expenses, and the expense of advertising and selling the same shall be a charge on the lands sold, and shall be added to and made a part of such tax.

§ 3. The said treasurer and tax receiver shall cause to be published, at least twice in each week, for at least three weeks, in three of the public newspapers of the city of Syracuse, a list or statement of the real estate charged with the payment of such taxes and interest and so liable to be sold, and also a notice that the said real estate will, on a day at the expiration of the said three weeks, to be specified in such notice, and the succeeding days, be sold at public auction at the city hall in the city of Syracuse, to pay the taxes, interest and expenses thereon which may remain unpaid at the time of such sale, the expense of publishing such lists and notices not to exceed the sum of one dollar to each newspaper for each parcel of land so advertised. On the day named in said notice the said treasurer and tax receiver shall commence the sale of said real estate and shall continue such sale from day to day until the whole thereof shall be sold.

§ 4. The purchasers at such sale shall pay the amounts of their respective bids to the said treasurer and tax receiver within forty-eight hours after the sale, and thereupon said treasurer and tax receiver shall execute to each purchaser a certificate in writing which shall contain a description of the real estate purchased, the amount paid therefor, the date of the sale, and that the same was sold for unpaid city taxes; such purchaser and his legal representatives or assigns may immediately, upon receiving said certificate by virtue thereof and of this act, lawfully forever hold and enjoy for his and their own proper use and benefit, and the use and benefit of his and their heirs and assigns forever, the real estate described in said certificate unless the same shall be redeemed as hereinafter provided; and he and his heirs and assigns may, at any time after the time limited in the fifth section of this act for the redemption of such premises shall have expired and the notice therein provided for been given, and said premises shall not have been redeemed as therein provided, cause the occupant of such real estate to be removed therefrom and the possession thereof to be delivered to him in the same manner and by the same proceedings, by and before the same officers, as in the case of a tenant holding over after the expiration of his term without permission of his landlord.

§ 5. The owner of, or any person interested in, any real estate sold for taxes as aforesaid, may redeem the same at any time within two years after the date of such sale, by paying to the said treasurer and tax receiver, for the use of the purchaser upon such sale, his heirs and

assigns, the sum mentioned in the certificate given to him and the interest thereon at the rate of eight per cent per annum, to be calculated from the date of such certificate. Notice shall be given by the purchaser of any real estate sold for taxes under the provisions of this act, to the occupant, owner in fee, mortgagee, judgment creditor or purchaser upon any other tax sale of the same property, and the heirs or assigns of any or either of them, and the guardian of any infants having an interest therein at least three months before the expiration of the time for redemption fixed by this act, and the time for such redemption shall not be deemed to have expired until three months after such notice shall have been given. Such notice shall either be written, or partly written and partly printed, and shall state briefly the lot or parcel of land to be redeemed, the tax, costs, interest and expenses required to be paid upon such redemption, the last of redemption of any such real estate, and the office or place where the money for such redemption can be paid, which office or place shall be in the city of Syracuse. Such notice shall be served personally or left with some person of suitable age and discretion at the residence or place of business of any and all persons entitled to such notice, if they, or any of them, reside in the city of Syracuse, or have a place of business therein, and in case they or any of them do not reside or have a place of business in said city, then such shall be deposited, postage paid, in the post-office, addressed to them at the post-office at or nearest to their known place of residence; and if the residence or address of any such person or persons be not known, then such notice shall be published at least once a week, for three months prior to the day therein named for redemption, in each of the newspapers in which the notice of sale was originally published. The expense of mailing and publishing such notices shall be added to and become a part of the amount required to be paid for the redemption of such real estate.

§ 6. If such real estate or any part thereof be not redeemed as herein provided, the said treasurer and tax receiver shall execute to the purchaser, his heirs or assigns, a conveyance of the real estate so sold, which conveyance shall vest in the grantee an absolute estate in fee. The said treasurer and tax receiver shall be entitled to demand and receive from such grantee, for the use of the city, the sum of one dollar for preparing such conveyance. Every such conveyance shall be executed by said treasurer and tax receiver under his hand and the seal of said city, and the execution thereof shall be acknowledged before a proper officer the same as other conveyances of real estate are acknowledged under the laws of this State, and such conveyance shall be conclusive evidence that the sale was regular, and also presumptive evidence that all the previous proceedings were regular, according to law and the provisions of this act. Every certificate or conveyance executed in pursuance of this act may be recorded in the same manner and with like effect, as a deed acknowledged or proved before any officer authorized by law to take the proof and acknowledgment of deeds.

§ 7. Whenever any purchaser under such sale, or his or her assigns shall be unable to recover or retain possession of any real estate sold to him by reason of any irregularity or error in the assessment of any person or property, or the levying of any tax thereon, or in any proceeding for the collection of any tax, the common council of said city shall reimburse the purchase-money so paid, with interest from the time of its payment, the amount thereof to be presented and audited as other city charges and paid by the treasurer and tax receiver of said city.

§ 8. Whenever any city tax levied and assessed upon any person or property in the city of Syracuse, with the fees, interest and expenses which may by law be added thereto, shall remain unpaid for six months after the warrant for its collection has been placed in the hands of the treasurer and tax receiver of said city, the said treasurer and tax receiver may maintain an action in his name of office for the amount of such tax, fees and expenses remaining unpaid and uncollected, with interest thereon at the rate of twelve per cent per annum, to be computed from the first day of February, when such tax was payable, against any person or corporation liable for such tax, or the representative of such person or corporation, in any court of competent jurisdiction in which the proceedings, costs, judgments and executions shall be the same, and with like effect as in actions between other public officers and individuals, and the amount collected by any such suit shall be and applied by such treasurer and tax receiver in the same manner as though the same had been collected by the sale of real estate. The warrant so delivered to the treasurer and tax receiver shall be presumptive evidence that all the previous proceedings, including the assessing and levying of the tax were regular and according to law. Nothing in this act contained shall be construed to repeal or abridge any powers now had by officers for the collection of taxes in the said city of Syracuse.

§ 9. All the provisions of this act shall apply to and include the collection of all local assessments and taxes for local improvements, provided that no sale of real estate, for any unpaid local assessment, shall be made within one year from the time when the same became due and payable.

§ 10. All the provisions of this act are hereby made applicable to all unpaid city taxes of the city of Syracuse, and all local assessments and taxes for local improvements heretofore assessed and levied, which shall remain unpaid six months from the first day of February, 1877.

§ 11. All other acts inconsistent with the provisions of this act, so far as the same relate to the city of Syracuse, are hereby repealed.

§ 12. This act shall take effect immediately.

Amend the title so as to read "An act to provide for the collection of unpaid city taxes and local assessments in the city of Syracuse."

The President put the question whether the Senate would agree to said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Harris	Morrissey	Selkreg
Bixby	Jacobs	Robertson	Starbuck
Bradley	Kennaday	St. John	Tobey
Carpenter	Loomis	Sayre	Wagner
Cole	McCarthy	Schoonmaker	Wellman
Doolittle	Moore		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act authorizing the board of trustees of the village of West Troy, to contract for a supply of water for public purposes," with a message that they had concurred in the

passage of the same with the following amendment: Section 1, line 7, after the word "dollars" insert the words "per annum."

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Harris	Prince	Sprague
Bradley	Jacobs	Robertson	Starbuck
Carpenter	Kennadav	St. John	Tobey
Cole	Loomis	Sayre	Vedder
Doolittle	McCarthy	Schoonmaker	Wagstaff
Gerard	Moore	Selkreg	Wellman
Hammond			

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act to legalize and confirm the official acts of Oliver G. Steele, Howard H. Baker and Edward L. Stevenson as real estate commissioners of the Young Men's Association of the city of Buffalo."

"An act to amend chapter 361 of the Laws of 1852, entitled 'An act to facilitate the dissolution of manufacturing corporations in the county of Herkimer and to secure the payment of their debts without preference.'"

"An act to amend chapter 559 of the Laws of 1864, entitled 'An act to amend the act entitled An act to provide for the incorporation of villages, passed 7th of December, 1847, so far as relates to the village of Corning, in the county of Steuben.'"

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the following entitled Assembly bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to provide means for the ordinary repairs of the canals preparatory to opening them for the present year."

"An act to legalize the official acts of Dugald E. Cameron as a justice of the peace in and for the town of Caledonia, in the county of Livingston."

*Ordered*, That the Clerk return said bills to the Assembly.

Mr. Prince introduced a bill entitled "An act authorizing the supervisor of the town of Newtown, Queens county, to issue and exchange certain bonds," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Tobey introduced a bill entitled "An act to establish the boundary line between the towns of Jay and Wilmington, in the county of Essex, and to confirm the past jurisdiction of said towns respectively, in relation to said line," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Robertson introduced a bill entitled "An act to grant to the city of Yonkers, for highway purposes, certain land below original high-water mark in the Hudson river, and to authorize the building of a bridge over the tracks of the New York Central and Hudson River Railroad upon

such land," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Wellman introduced a bill entitled "An act enabling John Hay and others claiming as heirs of John G. Leake, in the hearing of their case before the board of audit, to make use of documentary evidence and to secure to all heirs in event of inheritance being established, each an equitable share in the estate of said Leake," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Woodin introduced a bill entitled "An act to authorize the towns of Mentz and Montezuma, in the county of Cayuga, to transfer stock held by them in the Cayuga Northern Railroad," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Selkreg introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the city of Binghamton, passed April 9, 1867, and the several acts amending the same,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to repeal chapter 404 of the Laws of 1873, entitled 'An act for the relief of the inhabitants of Union Free School District No. 2, in the town of Newark Valley, and the county of Tioga,' and to restore Union Free School District No. 2, in the town of Newark Valley, as it existed before the passage of said act," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

Mr. Harris submitted the following :

*To the Legislature :*

Your committee of conference, to which were referred the matters of difference still remaining between the two houses upon Assembly bill entitled "An act making appropriations for the support of government," beg leave respectfully to report :

That they met and have duly considered such matters of difference, and have agreed to recommend that the two houses shall adopt the following in lieu thereof (reference being made to engrossed bill) :

Page 10, line 28, strike out the word "twenty" and insert "fifteen."

Add to the end of line 29 the following :

"Hereafter the compensation to sheriffs for conveying one convict to a State prison or penitentiary, from the county prison, for each mile actually traveled, twenty cents; for conveying two convicts, for each mile so traveled, thirty-five cents; for conveying three convicts, for each mile so traveled, forty cents, and for conveying four or more convicts, for each mile so traveled, twelve cents each, with one dollar per day for the maintenance of each convict while on the way to a State prison or penitentiary, but not exceeding one dollar for every thirty miles of travel in full of all charges and expenses in the premises."

All of which is respectfully submitted.

ALBANY, March 28, 1877.

HAMILTON HARRIS,  
B. P. CARPENTER,  
J. W. GERARD,

*Senate Committee.*

LUKE F. COZANS,  
C. L. LYON,  
J. C. JULIUS LANGBEIN,  
ROBT. H. STRAHAN,  
RICHARD MARVIN,

*Assembly Committee*

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Starbuck
Bradley	Harris	Morrissey	Vedder
Carpenter	Jacobs	Robertson	Wagner
Cole	Kennaday	Sayre	Wagstaff
Coleman	Loomis	Schoonmaker	Wellman
Doolittle	McCarthy	Selkreg	Woodin
Emerson			

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference thereon.

The Assembly bill entitled "An act to facilitate the construction of narrow gauge railroads, and to amend chapter 560 of the Laws of 1871, entitled 'An act to amend an act entitled An act to authorize the formation of railroad corporations and to regulate the same, passed April 2, 1850,'" having been announced for a third reading,

On motion of Mr. Jacobs, and by unanimous consent, said bill was amended as follows :

Section 2, line 19, engrossed bill, after the word " nothing " insert the words " relating to fares."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Hammond	Moore	Starbuck
Bixby	Harris	Morrissey	Tobey
Bradley	Jacobs	Robertson	Wagner
Carpenter	Kennaday	St. John	Wagstaff
Doolittle	Loomis	Schoonmaker	Wellman
Gerard	McCarthy	Sprague	Woodin

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

By unanimous consent, Mr. Tobey, from the committee on insurance, to which was referred the bill entitled "An act regulating the amount of capital stock for fire and marine insurance companies," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the city of Binghamton, passed April 9, 1867, and the several acts amending the same,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Selkreg, from the committee on railroads, to which was referred the bill entitled "An act to authorize the towns of

Mentz and Montezuma, in the county of Cayuga, to transfer stock held by them in the Cayuga Northern Railroad," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The bill entitled "An act in relation to contracts by married women," having been announced for a third reading,

Mr. Kennaday moved to recommit said bill to the committee on the judiciary, with instructions to amend the same as follows:

Section 1, line 3, after the words "married women," insert the words "carrying on business."

Mr. Vedder moved to amend by adding thereto in section 1, line 1, after the word "into," insert the words "in writing."

The President put the question upon the amendment of Mr. Vedder, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bradley.	Kennaday	Selkreg	Wellman	
Cole	Lamont	Vedder		7

FOR THE NEGATIVE.

Baaden	Gerard	Moore	Schoonmaker	
Bixby	Hammond	Morrissey	Starbuck	
Carpenter	Harris	Prince	Tobey	
Coleman	Jacobs	Robertson	Wagner	
Doolittle	Loomis	St. John	Wagstaff	
Emerson	McCarthy	Sayre	Woodin	24

The President then put the question upon the motion of Mr. Kennaday, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bradley	Jacobs	Lamont	Vedder	
Cole	Kennaday	Selkreg	Wellman	8

FOR THE NEGATIVE.

Carpenter	Loomis	Robertson	Tobey	
Coleman	McCarthy	St. John	Wagner	
Emerson	Moore	Sayre	Wagstaff	
Gerard	Morrissey	Schoonmaker	Woodin	
Harris	Prince	Starbuck		19

Mr. Starbuck moved to recommit said bill to the committee on the judiciary, with instructions to amend as follows:

After the word "husband," in line 2, printed bill, insert the words "and except also contracts of suretyship for her husband."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bradley	Jacobs	Morrissey	Starbuck	
Cole	Kennaday	Prince	Vedder	
Doolittle	Lamont	Robertson	Wellman	
Hammond	Moore	Selkreg		15

FOR THE NEGATIVE.

Bixby	Gerard	St. John	Wagner
Carpenter	Harris	Sayre	Wagstaff



Coleman	Loomis	Schoonmaker	Woodin	
Emerson	McCarthy			14

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to contracts by married women," reported that they have made the amendments thereto, as instructed, and directed their chairman to report the same to the Senate.

Mr. Jacobs moved to recommit said bill to the committee on the judiciary, with instructions to amend the same by inserting the word "written" before the word "contract," first occurring in section 1.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

**FOR THE AFFIRMATIVE.**

Cole	Lamont	Selkreg	Wagstaff	
Jacobs	Morrissey	Vedder	Wellman	
Kennaday				9

**FOR THE NEGATIVE.**

Bixby	Gerard	Prince	Schoonmaker	
Carpenter	Harris	Robertson	Starbuck	
Coleman	Loomis	St. John	Wagner	
Doolittle	McCarthy	Sayre	Woodin	
Emerson	Moore			18

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

**FOR THE AFFIRMATIVE.**

Baaden	Gerard	Morrissey	Schoonmaker	
Bixby	Harris	Prince	Starbuck	
Carpenter	Jacobs	Robertson	Wagner	
Coleman	Loomis	St. John	Wagstaff	
Doolittle	McCarthy	Sayre	Woodin	
Emerson	Moore			22

**FOR THE NEGATIVE.**

Bradley	Kennaday	Selkreg	Wellman	
Cole	Lamont	Vedder		7

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Wagstaff, and by unanimous consent, the rules were suspended, and the Senate, in open executive session, confirmed certain notaries public for the city of New York.

On motion of Mr. Wagstaff, and by unanimous consent, the rules were suspended, and said confirmations were ordered sent to the Governor to-day.

Mr. Woodin moved that the Senate do now take a recess until four o'clock P. M.

Mr. Jacobs moved to amend by striking out the words "four o'clock" and inserting the words "six o'clock."

The President put the question upon the amendment of Mr. Jacobs, and it was decided in the negative.

Mr. Jacobs moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Bradley	Jacobs	St. John	Starbuck
Gerard	Kennaday	Schoonmaker	Wagstaff
Hammond	Lamont		

10

FOR THE NEGATIVE.

Baaden	Doolittle	Morrissey	Sprague
Bixby	Emerson	Prince	Vedder
Carpenter	Harris	Robertson	Wagner
Cole	McCarthy	Sayre	Wellman
Coleman	Moore	Selkreg	Woodin

20

The President then put the question whether the Senate would agree to the motion of Mr. Woodin, and it was decided in the affirmative.

FOUR O'CLOCK, P. M.

The Senate again met.

Mr. Gerard offered the following :

*Resolved*, That Senate bill (general order, No. 288) relating to the disposition of the lateral canals, be recommitted to the standing committee on canals, and that the Assembly committee on canals be respectfully invited to meet the Senate committee, on Wednesday, April 4, at four P. M., at the Senate chamber, in joint session, to consider both the Senate and the Assembly bills on that subject, and to report a single bill if found practicable.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The Assembly sent for concurrence the bill entitled as follows :

"An act to extend the time for the collection of county taxes in the city of Auburn," which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Woodin, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Emerson	Lamont	Schoonmaker
Bradley	Gerard	Loomis	Selkreg
Carpenter	Hammond	McCarthy	Sprague
Cole	Harris	Moore	Starbuck
Coleman	Jacobs	Morrissey	Wagner
Doolittle	Kennaday	Robertson	Woodin

24

On motion of Mr. Woodin, and by unanimous consent, the rules were suspended, and the Clerk was ordered to return said bill to the Assem-

bly immediately, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to incorporate Rapid Hose Company No. 1, of the city of Kingston, Ulster county, State of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Selkreg
Bradley	Harris	Morrissey	Sprague
Carpenter	Jacobs	Robertson	Starbuck
Coleman	Kennaday	St. John	Wagner
Doolittle	Lamont	Schoonmaker	Woodin
Emerson	Loomis		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to legalize the State and county taxes in the city of Cohoes, Albany county, for the years 1870, 1871, 1872, 1873, 1874, and 1875, and to provide for the collection thereof, and to authorize the sale of lands in the city of Cohoes for unpaid State and county taxes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Harris	Prince	Starbuck
Bradley	Kennaday	Robertson	Vedder
Carpenter	Lamont	St. John	Wagner
Cole	Loomis	Sayre	Wagstaff
Coleman	Moore	Schoonmaker	Wellman
Doolittle	Morrissey	Sprague	Woodin

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the Cathedral of the Incarnation, in the diocese of Long Island," having been announced for a third reading,

Mr. Jacobs moved that said bill be recommitted to the committee on miscellaneous corporations, with instructions to strike out the name "A. Bradford Prince."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Hammond	Moore	Selkreg
Bradley	Harris	Morrissey	Starbuck

Carpenter	Kennaday	Robertson	Wagner
Cole	Lamont	St. John	Wagstaff
Emerson	Loomis	Sayre	Wellman
Gerard	McCarthy	Schoonmaker	Woodin

24

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act making appropriations for the payment of the principal and the interest of the canal debt, for the fiscal year commencing on the 1st day of October, 1877, and to provide means to pay the interest on the debt contracted under section 3 of article 7 of the Constitution, for the fiscal year commencing on the 1st day of October, 1878, and ending on the 30th day of September, 1878," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Harris	Prince	Sprague
Bradley	Kennaday	Robertson	Starbuck
Carpenter	Loomis	St. John	Wagner
Cole	McCarthy	Sayre	Wagstaff
Coleman	Moore	Schoonmaker	Wellman
Gerard	Morrissey	Selkreg	Woodin
Hammond			

25

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to confirm the election of trustees in the village of North Tonawanda, in the county of Niagara, and to provide for their election hereafter," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Harris	Prince	Sprague
Bradley	Jacobs	Robertson	Starbuck
Carpenter	Kennaday	St. John	Wagner
Coleman	Loomis	Sayre	Wagstaff
Emerson	Moore	Schoonmaker	Wellman
Gerard	Morrissey	Selkreg	

28

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act for the relief of the Kips Bay Methodist Episcopal church," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a

majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Prince	Sprague	
Bradley	Harris	Robertson	Starbuck	
Carpenter	Kennaday	St. John	Vedder	
Cole	McCarthy	Sayre	Wagner	
Coleman	Moore	Schoonmaker	Wagstaff	
Emerson	Morrissey	Selkreg	Wellman	24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act in relation to collectors and receivers of taxes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Hammond	Morrissey	Sprague	
Carpenter	Harris	Prince	Starbuck	
Cole	Kennaday	Robertson	Vedder	
Coleman	Loomis	St. John	Wagner	
Emerson	McCarthy	Sayre	Wagstaff	
Gerard	Moore	Schoonmaker	Wellman	24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to incorporate the Grand Central Railway Company of Bolivia," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Hammond	McCarthy	Sprague	
Bradley	Jacobs	Morrissey	Vedder	
Cole	Kennaday	Prince	Wagner	
Coleman	Lamont	Sayre	Wagstaff	
Emerson	Loomis	Selkreg	Wellman	20

FOR THE NEGATIVE.

Robertson	Starbuck	2
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*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act authorizing life insurance companies that register policies, to deposit to the account of such policies, New York city and Brooklyn city bonds," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Morrissey	Selkreg
Bradley	Hammond	Prince	Sprague
Carpenter	Kennaday	Robertson	Vedder
Cole	Loomis	St. John	Wellman
Coleman	McCarthy	Schoonmaker	19

## FOR THE NEGATIVE.

Sayre	Starbuck	2
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*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act in relation to the collection of taxes and the sales of land therefor in certain towns of Queens county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate, voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Jacobs	Morrissey	Vedder
Bradley	Kennaday	Prince	Wagner
Carpenter	Lamont	Robertson	Wagstaff
Cole	Loomis	St. John	Wellman
Coleman	McCarthy	Sayre	Woodin
Gerard	Moore	Schoonmaker	23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act supplemental to chapter 335 of the Laws of 1873, entitled 'An act to re-organize the local government of the city of New York,' " having been announced for a third reading,

Mr. Gerard moved that the further consideration of said bill be postponed until next Tuesday.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Bradley	Jacobs	Loomis	Starbuck
Gerard	Kennaday	St. John	Wagstaff
Hammond	Lamont	Schoonmaker	11

## FOR THE NEGATIVE.

Baaden	Doolittle	Prince	Vedder
Bixby	Harris	Robertson	Wagner
Carpenter	McCarthy	Sayre	Wellman
Cole	Moore	Selkreg	Woodin
Coleman	Morrissey	Sprague	19

Mr. Schoonmaker moved that said bill be recommitted to the committee on the affairs of cities with instructions to strike out the third section."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Jacobs	St. John	Schoonmaker	Starbuck	
Kennaday				5

## FOR THE NEGATIVE.

Bixby	Gerard	Morrissey	Sprague	
Carpenter	Hammond	Prince	Vedder	
Cole	Harris	Robertson	Wagner	
Coleman	McCarthy	Sayre	Wellman	
Doolittle	Moore	Selkreg	Woodin	20

Mr. Gerard moved to recommit the said bill to the committee on the affairs of cities with instructions to strike out the ninth section.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Bradley	Hammond	Starbuck	Wagstaff	
Gerard	Schoonmaker			6

## FOR THE NEGATIVE.

Bixby	Harris	Robertson	Vedder	
Carpenter	McCarthy	Sayre	Wagner	
Cole	Moore	Selkreg	Wellman	
Coleman	Morrissey	Sprague	Woodin	
Doolittle	Prince			18

Mr. Wagstaff moved that said bill be recommitted to the committee on the affairs of cities, with instructions to strike out the twenty-second section.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Jacobs moved that said bill be recommitted to the committee on the affairs of cities, with instructions to strike out the twenty third and twenty-fourth sections.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Bradley	Jacobs	Loomis	Starbuck	
Gerard	Kennaday	St. John	Wagstaff	
Hammond	Lamont	Schoonmaker		11

## FOR THE NEGATIVE.

Bixby	Harris	Robertson	Vedder	
Carpenter	McCarthy	Sayre	Wagner	
Cole	Moore	Selkreg	Wellman	
Coleman	Morrissey	Sprague	Woodin	
Doolittle	Prince			18

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Morrissey	Sprague	
Bixby	Emerson	Prince	Vedder	
Carpenter	Harris	Robertson	Wagner	
Cole	McCarthy	Sayre	Wellman	
Coleman	Moore	Selkreg	Woodin	20

## FOR THE NEGATIVE.

Bradley	Jacobs	Loomis	Starbuck	
Gerard	Kennaday	St. John	Wagstaff	
Hammond	Lamont	Schoonmaker		11

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to regulate the expenses of the judiciary which are a charge on the mayor, aldermen and commonalty of the city of New York," which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Woodin, and by unanimous consent, said bill was substituted for Senate bill No. 183, entitled "An act relative to the district courts in the city of New York," now on general order, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to repeal certain provisions of chapter 4 of the Laws of 1862, entitled 'An act to secure the better application of funds to relieve the poor in the town of Little Falls, Herkimer county,'" reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to repeal certain provisions of chapter 4 of the Laws of 1862, entitled 'An act to secure the better application of funds to relieve the poor in the town of Little Falls, Herkimer county, and to make the overseer of alms of said town, the overseer of the poor therein,'" and said bill was committed to the committee of the whole.

Mr. Cole offered the following:

*Resolved* (if the Assembly concur), That there be printed for the use of the Canal Commissioners 1,000 copies of the annual report of the Canal Commissioners, for the year ending September 30, 1876, to be bound in cloth; and also 1,000 copies in paper covers for the use of the Legislature.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Emerson, from the committee on public health, to which was referred the bill entitled "An act providing for the reports of births, marriages and deaths, the registry of vital statistics, and the regulation of interments," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Emerson, from the committee on public health, to which was referred the bill entitled "An act to provide for the appointment and compensation of the medical superintendents and assistant physicians of certain county and city asylums, and to prescribe their duties," reported in favor of the passage of the same, with amendments, and directed their chairman to report the same for the consideration of the Senate, and said bill was committed to the committee of the whole.



The Assembly bill entitled "An act to incorporate 'St. Raymond's Cemetery' of Westchester county, in the State of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	Moore	Selkreg
Bradley	Gerard	Morrissey	Starbuck
Carpenter	Harris	Robertson	Wagner
Cole	Kennaday	St. John	Wagstaff
Coleman.	McCarthy	Schoonmaker	Wellman
Doolittle			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

On motion of Mr. Kennaday the Senate adjourned.

FRIDAY, MARCH 30, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Emerson presented two petitions of citizens of Monroe county, for a reduction of salaries of county judge and surrogate; which were read and referred to the committee on the judiciary.

Mr. Sayre presented a petition of Mary Nook of Utica, for relief; which was read and referred to the committee on the judiciary.

Mr. Coleman presented a petition of tax-payers and electors of Rensselaer county, for a reduction of the salaries of the county judge and surrogate; which was read and referred to the committee on the judiciary.

By unanimous consent, Mr. Tobey asked and obtained leave to record his name as voting in the affirmative on the final passage of the bill entitled "An act supplemental to chapter 335 of the Laws of 1873, entitled 'An act to re-organize the local government of the city of New York.'"

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to authorize the village of Avon. Livingston county, to issue its bonds to purchase land for a public park," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend section 23 of chapter 10 of the Laws of 1859, entitled 'An act to amend an act entitled 'An act to revise, amend and consolidate the several acts relating to the village of Whitesborough, passed February 12, 1859, as amended by chapter 304 of the Laws of 1873,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to legalize and confirm the proceedings of the board of trustees of the village of Andes, in the county of Delaware, in relation to the purchase of hydrants for the use of said village, and the creation of a debt for that purpose, and to provide for the payment thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to incorporate the fire department of the village of Plattsburgh," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend chapter 224 of the Laws of 1872, entitled 'An act to consolidate and amend the several acts relating to the village of Watkins, and to enlarge the powers of the corporation of said village, passed April 3, 1861,' passed April 12, 1872," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act authorizing the trustees of the village of Ballston Spa to issue bonds to be known as 'Extended Water Bonds,' to pay a portion of the water bonds now outstanding of said village, maturing in the year 1877, and thereafter," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to incorporate the Horseheads fire department," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to amend chapter 448 of the Laws of 1876, entitled 'An act relating to courts, officers of justice and civil proceedings,' and to provide for the publication of the act, as amended."

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to grant to the city of Yonkers, for highway purposes, certain land below original high-water mark in the Hudson river, and to authorize the building of a bridge over the tracks of the New York Central and Hudson River Railroad, upon such land," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize the acts of Charles C. Wakeley, as notary public," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend chapter 335 of the Laws of 1871, entitled 'An act to authorize the appointment of a person to be public administrator in the county of Kings, and to determine the powers and duties of such officer,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize the acts of Roselle W. Higgins, as notary public of Jefferson county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sayre introduced a bill entitled "An act to release the interest of the people of the State of New York, in certain real estate in the city of Utica and town of New Hartford, county of Oneida, to Mary Nock," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Doolittle moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act to amend and make additions to chapter 463 of the Laws of 1860, entitled 'An act to revise the charter of the city of Oswego,' and the acts amendatory thereof," and that the same be recommitted to the committee on the affairs of cities, retaining place on general order.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Morrissey, and by unanimous consent, the rules were suspended and the consideration of the bill entitled "An act supplemental to chapter 375 of the Laws of 1873, entitled 'An act to re-organize the local government of the city of New York,'" was made a special order for Wednesday, April 4, immediately after the order of business of introduction of bills.

The bill entitled "An act to amend chapter 448 of the Laws of 1876, entitled 'An act relating to courts, officers of justice and civil proceedings,' and to provide for the publication of the act as amended," having been announced for a third reading,

Mr. Jacobs moved that the said bill be recommitted to the committee on the judiciary, with instructions to amend as follows:

Strike out section 4 and insert as follows:

"Section 4. This act shall take effect on the 1st day of July, 1878."

Mr. Robertson moved to amend by striking out the words "July, 1878" and inserting the words "October, 1877."

The President put the question on the amendment of Mr. Robertson, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Kennaday	St. John	Vedder	19
Bradley	Moore	Sayre	Wagstaff	
Coleman	Morrissey	Schoonmaker	Wellman	
Doolittle	Prince	Sprague	Woodin	
Hammond	Robertson	Starbuck		

#### FOR THE NEGATIVE.

Bixby	Gerard	Lamont	Selkreg	11
Cole	Harris	Loomis	Tobey	
Emerson	Jacobs	McCarthy		

The President put the question whether the Senate would agree to the motion of Mr. Jacobs, as amended, and it was decided in the affirmative.

Mr. Robertson, from the committee on the judiciary, to which was recommitted the bill entitled "An act to amend chapter 448 of the Laws of 1876, entitled 'An act relating to courts, officers of justice and civil

proceedings,' and to provide for the publication of the act as amended," reported that they have made the amendment thereto, as instructed, and directed their chairman to report the same to the Senate.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Hammond	Robertson	Vedder
Bradley	Kennaday	St. John	Wagstaff
Coleman	Moore	Schoonmaker	Wellman
Doolittle	Morrissey	Sprague	Woodin
Gerard	Prince	Starbuck	

19

FOR THE NEGATIVE.

Jacobs	Loomis	Selkreg	Tobey
Lamont	McCarthy		

6

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to provide for the construction, repair and improvement of docks, wharves, piers, slips and bulk-heads in the city of New York, and for the management and control of the same," having been announced for a third reading,

On motion of Mr. Woodin, and by unanimous consent, said bill was amended by striking out the ninth section thereof.

On motion of Mr. Woodin, and by unanimous consent, said bill was amended as follows :

Section 7, line 2, printed bill, after the words "sinking fund " insert the words "and commissioner of public works."

On motion of Mr. Robertson, and by unanimous consent, said bill was amended as follows :

Section 14, line 4, printed bill, strike out the words "remove or " and insert the words "the captain of the port or any harbor-master to remove." Line 5, strike out the words "the removal of."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Gerard	Prince	Tobey
Bradley	Hammond	Robertson	Vedder
Cole	Harris	St. John	Wagstaff
Coleman	Loomis	Selkreg	Wellman
Doolittle	Moore	Sprague	Woodin
Emerson	Morrissey		

22

FOR THE NEGATIVE.

Lamont	Schoonmaker
--------	-------------

2

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to re-organize the board of commissioners of the sinking fund of the city of New York," having been announced for a third reading,

Mr. Gerard moved to recommit said bill to the committee on the affairs of cities, with instructions to amend as follows:

Section 3, line 3, printed bill, after the word "comptroller," insert the words "city chamberlain."

Mr. Bradley moved to recommit said bill to the committee on the affairs of cities, with instructions to strike out the enacting clause.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Doolittle	Morrissey	Tobey
Carpenter	Emerson	Prince	Vedder
Cole	Harris	Robertson	Wellman
Coleman	Moore	Selkreg	Woodin
			16

FOR THE NEGATIVE.

Bradley	Jacobs	Loonis	Schoonmaker
Gerard	Kennaday	St. John	Wagstaff
Hammond			9

Mr. Woodin moved to reconsider the vote by which said bill was lost, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly sent for concurrence the bill entitled as follows:

"An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

The Assembly returned the bills entitled as follows:

"An act to provide for the better administering of justice in the town of Watervliet, in the county of Albany."

"An act to provide for the collection of unpaid city taxes and local assessments in the city of Syracuse."

"An act further to amend chapter 692 of the Laws of 1866, entitled 'An act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts and for other purposes.'"

"An act authorizing the board of trustees of the village of West Troy, to contract for a supply of water for public purposes."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the following entitled bill, with a message informing that they had concurred in the passage of the same:

"An act further to amend chapter 106 of the Laws of 1865, entitled 'An act to incorporate the New York Infant Asylum.'"

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly returned the following entitled Assembly bill, with a

message that they had concurred in the amendments of the Senate thereto :

"An act to provide for the construction of fishways in the State dams across the Oswego, Oneida and Seneca rivers."

*Ordered*, That the Clerk return said bill to the Assembly.

Mr. Robertson, from the committee on the judiciary, to which was recommitted the bill entitled "An act to provide for the incorporation of exchanges or boards of trade," reported in favor of the passage of the same, and said bill was ordered to a third reading.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act to provide for deficiencies in appropriations for the poor in the county of Kings," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That a joint convention of the Senate and Assembly be held on Tuesday the third day of April instant, at twelve o'clock noon, in the Assembly Chamber, for the purpose of electing a State Superintendent of Public Instruction.

On motion of Mr. Robertson, and by unanimous consent, the rules were suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

On motion of Mr. Robertson, and by unanimous consent, the rules were suspended, and the Clerk was ordered to return said resolution to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend chapter 370 of the Laws of 1873, entitled 'An act to revise and amend an act entitled An act to incorporate the village of Port Jervis, passed March 30, 1866, and all acts relating thereto, passed May 1, 1873,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Selkreg, from the committee on railroads, to which was referred the bill entitled "An act to authorize the Ogdensburgh and Lake Champlain Railroad Company to issue preferred stock," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. McCarthy, from the committee on literature, to which was referred the bill entitled "An act to repeal chapter 404 of the Laws of 1873, entitled 'An act for the relief of the inhabitants of Union Free School District No. 2 in the town of Newark Valley, and the county of Tioga,' and to restore Union Free School District No. 2 in the town of Newark Valley, as it existed before the passage of said act,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to extend the charter of the Chenango Canal Bridge Company, in the county of Broome," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.



Mr. Harris called from the table the concurrent resolution in the words following:

*Whereas*, It has been reported by the proper officers both to the Congress and to the Legislature that a necessity has arisen for the determining of pier lines upon the Hudson river, and

*Whereas*, It is of the highest importance to maintain the integrity of the Hudson river as a navigable water, and to preserve it from encroachments along its shores, therefore

*Resolved* (if the Assembly concur), that the Governor be requested to apply to the President of the United States to appoint three competent officers of the United States service to be associated with the Secretary of State, the Attorney-General, and the State Engineer and Surveyor of this State, to examine and decide upon exterior pier and bulk-head lines upon the Hudson river, from the State dam at Troy, to the city of Hudson, and to report such lines with maps to the Legislature at its next session.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Vedder called from the table the Assembly concurrent resolution in the words following:

*Whereas*, Under chapter 176 of the Laws of 1859, the accounts of the veteran militia of this State in the service of the United States during the war of 1812, were adjudicated; and,

*Whereas*, There are still remaining unpaid a large number of certificates, representing said accounts, which are justly due and payable to this patriotic band, or their legal representatives; and,

*Whereas*, It is claimed that the State is not legally bound to advance any more money to pay said certificates; therefore,

*Resolved* (if the Senate concur), That the Adjutant-General of this State be respectfully requested to urge upon the general government its moral and equitable obligation to place in the treasury of this State, sufficient funds to pay said outstanding certificates, as well as the amount advanced by this State in payment of a part of said certificates, and the amount disbursed by this State in adjudicating said accounts.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

The Assembly sent for concurrence the bills entitled as follows:

"An act to release to the estate of Charles Doran, deceased, the right, title and interest of the people of the State of New York, in and to certain real estate in the city of Poughkeepsie," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act further to amend chapter 338 of the Laws of 1875, entitled 'An act to amend an act entitled An act for the relief of the surviving members of the First Regiment of New York Volunteers, who served in the war with Mexico,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act in relation to the indictment and punishment of criminal offenses committed on railroads within the State," which was read the



first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to repeal chapter 583 of the Laws of 1869, entitled 'An act relative to the improvement of Mamaroneck harbor, and for the promotion of the public health,' passed May 5, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act in relation to the repaving and improvement of Fourth street, from Division avenue to Grand street, in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act in relation to the Superintendent of State prisons, and for their more efficient and economical management of said prisons," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

"An act to secure better public administration in the local government of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The President presented a report of the comptroller of the city of New York, in response to the resolution of the Senate relative to the expenses of sheriffs for ten years prior to January 1, 1877; which was laid upon the table and ordered printed.

(See Doc. No. 48.)

A message was received from the Governor in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, April 2, 1877. }

*To the Senate:*

I have the honor to transmit herewith for the information of the Senate a communication from the Commissioners of Emigration, giving a statement of their affairs and resources.

L. ROBINSON.

Mr. Harris moved that said message and communication be referred to the committee on finance.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Schoonmaker moved that the committee of the whole be discharged from the further consideration of the bill entitled "An act to amend chapter 339 of the Laws of 1875, entitled 'An act to amend an act entitled An act for the incorporation of villages, passed April 20, 1870,'" and that said bill be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Harris offered the following:

*Resolved* (if the Assembly concur), That the Secretary of State be directed to cause the result of the State census of 1875, to be printed and bound, and also to be distributed in the same manner as the census of 1865, payment of the same to be made from the general appropriation for printing.

*Ordered*, That said resolution be laid upon the table.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special orders, being the bills entitled as follows:

"An act to amend the Revised Statutes relating to the assessment and collection of taxes."

"An act supplementary to chapter 611 of the Laws of 1875, entitled 'An act to provide for the organization and regulation of certain business corporations.'"

Assembly, "An act to exempt the counties of Suffolk, Tioga, Onondaga, Saratoga, Ontario, Yates, Rensselaer, Genesee, Schenectady, Monroe, Livingston and Otsego from the provisions and operation of chapter 180 of the Laws of 1875, entitled 'An act creating a board of town auditors in the several towns of this State, and to prescribe their powers and duties,' passed April 29, 1875."

After some time spent therein, the President resumed the chair, and Mr. Vedder, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Vedder, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Vedder, from the same committee, reported in favor of the passage of the last named bill, with amendments, and the title amended so as to read "An act to exempt the counties of Suffolk (except the town of Islip), Tioga, Onondaga, Saratoga (except the town of Saratoga Springs), Ontario, Yates, Rensselaer, Genesee, Schenectady, Monroe, Livingston, Otsego, Schoharie, Niagara and Orleans, from the provisions and operation of chapter 180 of the Laws of 1875, entitled "An act creating a board of town auditors in the several towns of this State, and to prescribe their powers and duties," which report was agreed to.

On motion of Mr. Prince, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Gerard	Loomis	Sayre
Carpenter	Hammond	Moore	Schoonmaker
Cole	Harris	Prince	Selkieg
Coleman	Kennaday	Robertson	Vedder
Doolittle	Lamont	St. John	Wagstaff
Emerson			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

By unanimous consent, Mr. Harris offered the following:

*Resolved* (if the Assembly concur), That a respectful message be sent to his Excellency the Governor, requesting the return of Senate bill No. 38, entitled "An act to provide for the election, and defining the powers and duties of a police justice in the town of Watervliet, in the county of Albany.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bill and concurrent resolution entitled as follows :

"An act to incorporate the Greenwood Lake Sportsmen's Club."

"Resolved (if the Assembly concur), That article nine of the Constitution be amended by the addition of the following section :

§ 2. Free common schools shall be maintained throughout the State forever. The Legislature shall provide for the instruction in the branches of elementary education in such schools of all the persons in the State between the ages of five and twenty-one years, for the period of at least twenty-eight weeks in each year. Neither the money, property or credit of the State, nor of any county, city, town, village or school district, shall be given, loaned or leased, or be otherwise applied, to the support or in aid of any school or instruction under the control or in charge of any church, sect or denomination, or religious society ; nor to or in aid of any school in which instruction is given peculiar to any church, creed, sect or denomination, or to or in aid of any such instruction ; nor to or in aid of any school or instruction not free alike to all, and also subject to the supervision of and conformed to the regulations of the public school authorities. This section shall not prohibit the Legislature from making such provision for the education of the blind, the deaf and dumb, and juvenile delinquents, as it may seem proper, except that such education shall not be in institutions in which instruction is given peculiar to any church, creed, sect, denomination, or religious society ; nor shall this section apply to or affect the Cornell University endowment fund, hitherto pledged and appropriated.

Resolved (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that, in conformity with section 1 of article 13 of the Constitution, it be published for three months previous to the time of such election.

After some time spent therein, the President resumed the chair, and Mr. Cole, from said committee, reported in favor of the passage of the said named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Cole, from the same committee, reported progress on said concurrent resolution, and asked and obtained leave to sit again.

On motion of Mr. Kennaday, the Senate adjourned.

TUESDAY, APRIL 3, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Doolittle presented a petition of citizens of Oswego, in favor of the election of Rev. O. H. Warren, of Syracuse, as a Regent of the University ; which was read and referred to the committee on literature.

Mr. McCarthy presented a petition of citizens of the village of Danforth for the establishment of a union free school district ; which was read and referred to the committee on literature.

Mr. Coleman presented a petition of Mary N. Smith, for the release of certain property in Greenbush; which was read and referred to the committee on the judiciary.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to release the interest of the people of the State of New York, in certain real estate in the city of Utica and town of New Hartford, county of Oneida, to Mary Nock," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to amend the Revised Statutes relating to the assessment and collection of taxes."

The President presented the following:

*To the Honorable the Legislature of the State of New York:*

In view of an anticipated removal from the State, I hereby resign my office of Regent in the University of the State of New York.

A. C. GEORGE.

SYRACUSE, March 26, 1877.

Mr. Gerard presented a petition and resolutions of the Chamber of Commerce, in respect to the amendments proposed to the Constitution of the State of New York for the government of cities; which was read and referred to the committee on the judiciary.

Mr. Woodin introduced a bill entitled "An act to amend chapter 305 of the Laws of 1857, entitled "An act to consolidate school districts No. 6 and No. 15, in the town of Mentz, in the county of Cayuga, into one school district, and to provide for the organization of a school and academy therein, and to enable the said district to loan money to erect the necessary buildings therefor," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. McCarthy introduced a bill entitled "An act to constitute the village of Danforth, in the town and county of Onondaga, and State of New York, a separate free school district, under the free school laws of the State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

Mr. Jacobs introduced a bill entitled "An act to amend chapter 173 of the Laws of 1875, entitled 'An act to provide for the better care of pauper and destitute children,'" which was read the first time, and by unanimous consent was also read the second time and referred to the committee on literature.

Mr. Robertson introduced a bill entitled "An act further to amend chapter 776 of the Laws of 1870, entitled 'An act to amend an act entitled An act to provide for the incorporation of villages, passed December 7, 1847, and the several acts amendatory thereof, so far as the same relate to the village of Mount Vernon, in the county of Westchester, and to declare, enlarge and define the powers and duties of the officers of said village, and to confirm and extend the powers of the corporation of said village,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Gerard introduced a bill entitled "An act to provide for closing old public roads, lanes or highways in cities," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Starbuck introduced a bill entitled "An act to authorize the boards of supervisors of the several counties in this State to appoint notaries public," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Carpenter introduced a bill entitled "An act to amend chapter 529 of the Laws of 1868, entitled 'An act to incorporate the Rhinebeck Gas Company,'" which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Carpenter, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Sayre
Bradley	Hammond	Moore	Selkreg
Carpenter	Harris	Morrissey	Starbuck
Cole	Jacobs	Prince	Wagner
Coleman	Kennaday	Robertson	Wagstaff
Doolittle	Lamont	St. John	Wellman
Emerson			

25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Woodin offered the following :

*Resolved* (if the Assembly concur), That section 22 of article 3 of the Constitution be amended so as to read as follows :

§ 22. There shall be in the several counties, except in cities whose boundaries are the same as those of the county, a board of supervisors to be composed of such members and elected in such manner and for such period as is or may be provided by law. In any such city the duties and powers of a board of supervisors may be devolved upon the board of aldermen thereof, except such duties and powers as involve the making of contracts, procuring supplies, or creating, auditing or allowing county charges, all of which duties and powers, whether now existing, or hereafter to be created, shall be exercised and performed exclusively by the board of finance.

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature, to be chosen at the next general election of Senators, and that, in conformity to section 1 of article 13 of the Constitution, it be published for three months previous to the time of such election.

On motion of Mr. Woodin, and by unanimous consent, said resolutions were committed to the committee of the whole.

Also, the following :

*Resolved* (if the Assembly concur), That section 1 of article 2 of the Constitution, be amended so as to read as follows :

§ 1. Every male citizen of the age of twenty-one years, who shall have been a citizen for ten days, and an inhabitant of this State one year next

preceding an election, and for the last four months a resident of the election district in which he may offer his vote, shall be entitled to vote at such election in the district of which he shall at the time be a resident, and not elsewhere, for all officers that now are, or hereafter may be, elective by the people, and upon all questions which may be submitted to the vote of the people; but the Legislature may provide that elections for members of city boards shall be so regulated as to give to minorities a proportionate share of representation therein. Provided, that in time of war, no elector in the actual military service of the State or of the United States, in the army and navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the Legislature shall have power to provide the manner in which, and the time and place at which, such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside.

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature, to be chosen at the next general election of Senators, and that in conformity to section 1 of article 13 of the Constitution, it be published for three months previous to the time of such election.

On motion of Mr. Woodin, and by unanimous consent, said resolutions were committed to the committee of the whole.

Also, the following:

*Resolved* (if the Assembly concur), That the Constitution be amended by adding thereto a new article, to be known as article 17, and to read as follows:

## ARTICLE XVII.

SECTION 1. The power of the Legislature to provide for the organization and government of cities shall be exercised in accordance with the provisions, and subject to the limitations and restrictions hereinafter contained, and the powers and franchises of every existing city government must be exercised in conformity therewith. The Legislature shall, at its first session after the adoption of this article, provide, by law, for carrying into effect all the provisions contained therein.

§ 2. City elections shall be held separately from the State and national elections, and in March or April.

§ 3. The legislative power conferred on any city shall be vested in a board of aldermen, to be elected by the electors qualified under article second of the Constitution, which shall be the common council of said city; but no power hereinafter vested in the board of finance shall be conferred on or exercised by the board of aldermen. In case of a veto of any legislative act of the board of aldermen, by the mayor, the board shall have power to pass the same, notwithstanding the mayor's veto, by a recorded vote of two-thirds of all the members elected, provided that such vote be taken at the next meeting of the board after the communication of the veto.

§ 4. The executive power of every city shall be vested in the mayor and in such executive officers and departments as may be created by law. The mayor shall be the chief executive officer of the city, and he shall see to the faithful performance of their duties by the several executive officers and departments thereof. He shall be elected by electors qualified under article second of the Constitution, for such term, and he shall receive such compensation as the Legislature may prescribe. He shall

nominate, and, with the consent of the board of finance, appoint the chief officer or head of the financial department, and the chief law officer or head of the law department; and he shall have power to appoint the head or chief officers of the other executive departments. With the written approval of the Governor, the mayor may remove the head or chief officers of any executive department. He shall have power to investigate their accounts and proceedings, have access to all books and documents in their offices, and may examine them and their subordinates under oath, as to all matters relating to the performance of their official duties. He shall also have power to veto any legislative act of the board of aldermen. The mayor may be removed by the Governor for cause, as in the case of sheriffs; and in case of such removal, the Governor shall appoint a mayor to fill the vacancy, who shall hold office until the next succeeding city election, at which election a mayor shall be elected for the full term of the office. The Legislature shall provide for the filling of a vacancy in the office of mayor, otherwise occurring, until the next succeeding city election, and also for the discharge of the duties of the mayor during his temporary absence or disability. Heads of departments shall have power to appoint and remove their subordinate officers and employees, but the Legislature may regulate, by law, the qualifications for such appointments, and the conditions of such removals.

§ 5. There shall be elected in every city of this State a board of finance, to consist of not less than six nor more than fifteen members. In cities having a population, according to the State census next preceding the election, of over 100,000 inhabitants, the board of finance shall be elected by the electors of the city (otherwise qualified under article 2 of the Constitution), who shall, for two years next preceding the election, have paid an annual tax on property owned by them, and officially assessed for taxation in such city, of the assessed value of not less than \$500, or shall have actually paid during the same period a yearly rent, for premises in said city occupied by them for purposes of residence or lawful business, of not less than \$250. In cities having a population, according to the State census next preceding the election, of not more than 100,000 inhabitants, the board of finance shall be elected by the electors of the city (otherwise qualified under article 2 of the Constitution), who shall, for two years next preceding the election, have paid an annual tax on property owned by them, and officially assessed for taxation in such city, or shall have actually paid during the same period a yearly rent, for premises in said city occupied by them for purposes of residence or lawful business, of not less than \$100. In cities having a population, according to the State census next preceding the election, of not more than 25,000 inhabitants, the board shall consist of six members. In cities having a population of over 25,000 inhabitants, and not more than 50,000, it shall consist of nine members. In cities having a population of over 50,000 inhabitants, and not more than 100,000, it shall consist of twelve members; and in cities having a population of over 100,000 inhabitants it shall consist of fifteen members. At the first election one-third of the board shall be elected for a term of one year, one-third thereof for a term of two years, and one-third thereof for a term of three years; and thereafter the term of office shall be three years. The existence of any vacancy in the board shall not of itself suspend the exercise of its powers and duties. The Legislature shall, at its first session, after the adoption of this article, and thereafter from time to time, as may be necessary, provide by general law for the registration, in every city, of electors quali-

fied to vote for the board of finance, and for filling vacancies in said board, and may change the number of members of which the said board shall consist in any city, provided that the number shall not, in any case, be less than six, and that one-third of the board shall be elected annually.

§ 6. The board of finance shall, in every fiscal year, make estimates of the sums of money necessary for the proper administration of the city government during the next fiscal year, and which are to be raised by taxation or supplied by the revenue of the city derivable from other sources, and applicable to general purposes. Such estimates shall include the sums requisite for the payment of the interest on bonds or other city debts drawing interest, the principal of any debts payable during the year, judgments against the city, the sums sufficient to make good all deficiencies in the payment of taxes on personal estate for the last preceding year, and any deficiencies in the collection of taxes on real estate for any preceding year which may be found by the board to be uncollectible, and also any deficiencies in the collection of the estimated revenues from other sources, and all other sums required by law to be raised by taxation. The estimates shall also separately state the aggregate amount of moneys in the treasury or receivable during the next fiscal year, applicable to general purposes, in which may be included any prior unexpended appropriations which, in the judgment of the board, may not be required to meet existing liabilities; and shall, in like manner, separately state the aggregate amount to be raised by taxation. The board shall submit the estimates, when completed, to the mayor, who shall, within ten days thereafter, return the same to the board, with his approval, or with his objection, if any he have, in writing, specifying the items objected to; and the items thus objected to, but no others, shall be reconsidered and finally determined by the board. The board shall, after the return of the estimates by the mayor, and the action of the board upon the items objected to, if any, or in the event of a failure of the mayor to return the same as above required, proceed by resolution to declare the estimates to be final and adopted, and the several sums of money therein estimated as necessary, shall become and be appropriated to and for the departments and officers therein mentioned, and for the objects and purposes therein mentioned. The aggregate amount to be raised by taxation shall be stated in such resolution, and shall thereupon be levied and collected in the manner provided by law for the levying and collecting of the city taxes. The board of finance may, during any current fiscal year, by a unanimous vote, with the approval of the mayor, in case of pestilence, conflagration, or other unforeseen public calamity, transfer sums of money appropriated to one department, object or purpose, and not required to satisfy existing liabilities, to another department, object or purpose. A vote of a majority of the entire board shall be necessary to the passage of any measure or resolution; and a vote of two-thirds of the entire board shall be necessary to the adoption of the estimates hereinbefore provided for, or any item thereof, or to authorize the issue of any stock or bonds, and in such other cases as are hereinafter specified. It shall be the duty of the several departments, boards and officers, and the common council to furnish all such statements and accounts as the board of finance may require, and at such times and in such manner as the said board may prescribe; and the board of finance shall also have power to examine the books and papers of the several executive departments and officers, and to examine such officers upon oath, concerning their official business.



§ 7. No debt or liability shall be incurred by any department, board or any officer in any city, unless there shall be at the time an unexpended appropriation applicable thereto, sufficient to satisfy the same and all debts and liabilities previously incurred and payable out of such appropriation; and all contracts and engagements in contravention hereof shall be void. Nor shall any debt or liability of the city be paid, except out of money in the treasury appropriated to the purpose of paying such debt or liability. No city government, or any department thereof, shall grant any extra compensation to any officer, servant, agent, contractor or employee.

§ 8. The Legislature shall, itself, have no power to pass any law for the opening, making, paving, lighting, or otherwise improving or maintaining streets, avenues, parks or places, docks or wharves, or for any other local work or improvement, in or for a city, but all authority necessary for such purposes shall be by law conferred on the city government; nor shall the Legislature impose any charge on any city or civil division of the State containing a city, except by a vote of two-thirds of all the members elected to each house. Any local work or improvement in or for a city, the cost of which is to be wholly paid by the city at large, must be authorized by resolution, passed by the vote of two-thirds of all the members elected to the board of aldermen and board of finance, respectively. Any such work or improvement, the cost of which is to be wholly paid otherwise than by the city at large, must be authorized by the vote of two-thirds of all the members elected to the board of aldermen, with the consent of a majority in interest, to be ascertained in such manner as the Legislature may prescribe, of all the owners of land within the district of assessment limited for the cost of such work or improvement. Any such work or improvement, the cost of which is to be paid in part by the city at large, and in part by local assessment, must be authorized by a resolution passed by the vote of two-thirds of all the members elected to the board of aldermen and board of finance, respectively, with the consent of a majority in interest, to be ascertained as hereinbefore directed, of all the owners of the land within the prescribed district of assessment.

§ 9. No money shall be borrowed by any city government for the purpose of defraying any of the expenses of the city for which an appropriation has been made, except in anticipation of the revenue of the year in which the same may be borrowed, applicable to such purposes; and all moneys so borrowed must be paid out of such revenue, or out of revenues specially provided to supply any deficiency in the collection thereof; provided, however, that temporary loans, in anticipation of taxes, may be renewed, so far as such taxes may not have been collected, when the same are, in the opinion of the board, fully secured by valid liens on real estate. No city shall borrow any money for any other purpose, except under and in accordance with the following conditions and limitations, in addition to any other conditions and limitations contained in the Constitution:

1. The debt must be for some single work or object only, and must be authorized by a resolution passed by a vote of two-thirds of all the members of the board of finance, and approved by the mayor, distinctly specifying such work or object, and the amount of the debt to be incurred.

2. The Legislature must, before the creation of such a debt, assent thereto by a law passed by a vote of two-thirds of all the members elected to each house. Such law shall also distinctly specify the single

work or object for which the debt is created, and the amount of the debt authorized, and shall contain provisions for a sinking fund to meet the same at maturity, and requiring at least ten per cent of the principal to be annually raised by taxation and paid into the sinking fund.

§ 10. Except as prescribed by the first section of this article, no change in the organization of, or in the distribution of powers in, a city government, or in the terms or tenure of office therein, shall be made by the Legislature, unless by an act passed upon the application of the city, made by resolution both of the board of aldermen and of the board of finance, respectively, approved by the mayor, or by an act which shall have received the sanction of two successive Legislatures.

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that, in conformity to section 1 of article 13 of the Constitution, it be published for three months previous to the time of such election.

On motion of Mr. Woodin, and by unanimous consent, said resolutions were committed to the committee of the whole.

Mr. Prince introduced a bill entitled "An act in relation to the Compost Transportation Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

The bill entitled "An act to amend title 1, chapter 13, part 1 of the Revised Statutes, entitled 'Of property liable to taxation,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Gerard	Lamont	St. John	
Bradley	Hammond	McCarthy	Selkreg	
Coleman	Harris	Moore	Wagner	
Doolittle	Jacobs	Morrissey	Wagstaff	
Emerson	Kennaday	Robertson	Wellman	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the Oswego Firemen's Relief Society," having been announced for a third reading,

On motion of Mr. Doolittle, and by unanimous consent said bill was amended as follows:

Strike out all after the enacting clause and insert as follows:

§ 1. The council of the "Oswego fire department" shall hereafter be composed of six persons who shall be residents, electors and freeholders of said city, and shall be appointed as follows: Two by the common council, upon the nomination by the mayor of said city, two by the board of fire commissioners of said city, and two by the present council of the Oswego fire department. Such appointments shall be made on or before the first day of May, 1877, or as soon thereafter as practicable, and the persons so appointed shall meet on the 10th day of May, 1877, or as soon thereafter as practicable, at the council room of the Oswego fire department in the city hall in the city of Oswego, and shall proceed to organize by appointing one of their number as president and another

as secretary of the said council, who shall hold their offices during the pleasure of the council. A majority of the persons so appointed, or to be appointed, shall be a quorum for the purpose of organizing the said council and of transacting any other business which may properly come before it. The persons so appointed shall hold their offices as follows: Those appointed by the board of fire commissioners, for one year, from the second Tuesday in March, 1877; those appointed by the present council of the Oswego fire department, for two years from that date; and those appointed by the common council, upon the nomination of the mayor, for three years from that date. Whenever a vacancy shall occur in the office of a member of said council appointed by the common council upon the nomination of the mayor, or by the board of fire commissioners of said city, whether by expiration of term, resignation, death, removal from the city or otherwise, such vacancy shall be filled by the same body, and in the same manner as the original appointment. When a vacancy shall occur in the office of the persons appointed by the present council of the Oswego fire department of said city, such vacancy shall be filled as follows: One by the appointment of the common council, upon the nomination of the mayor, and the other by the board of fire commissioners of said city, and thereafter three of the members of the council of the Oswego fire department shall be filled by the common council upon the nomination of the mayor, and three by the board of fire commissioners of said city as hereinafter provided.

§ 2. The said council, so appointed, shall possess all the powers and perform the duties of the present council by the Oswego fire department, except the power to designate days of public exercise, inspection and review, and shall have the care, management, custody and possession of all the property of the said "Oswego fire department." They shall dispose of the said property in such manner and upon such terms, by sale on long credit or otherwise, as shall appear to them to be best, the conveyance therefor to be executed by the chairman and secretary of said council, and the principal realized from such sale or disposition shall be kept securely invested by the said council, and the interest or annual income of which shall be expended by the said council in relieving such members, and the families of such members, of the present paid fire department and of the late volunteer fire department of the city of Oswego, as shall have received injury in the prosecution of their duties as such firemen; such relief to be given in such sums and in such manner as the said council shall direct. If the whole annual interest or income of said fund shall not be required in any year, for such relief, in the judgment of said council, the amount remaining unexpended shall be added to the principal of said fund, the interest thereof only afterward to be expended as above provided, or the said council, in their discretion, may expend the amount so remaining unexpended or any part thereof in providing reading matter or a reading room for the use of the members of the "Oswego fire department," or in such other manner as shall increase the comfort and improve the efficiency of the members of the fire department of the city of Oswego.

§ 3. From and after the passage of this act, the present council of the Oswego fire department shall have no power to act except to appoint the two members of the said council, to be by them appointed as hereinbefore provided.

§ 4. All acts and parts of acts inconsistent herewith, are hereby repealed.

§ 5. This act shall take effect immediately.

Amend the title so as to read: "An act supplemental to chapter 349 of the Laws of 1855, entitled 'An act incorporating the Oswego fire department of the city of Oswego,' passed April 12, 1855, and the acts amending the same."

Mr. Doolittle moved that said bill be laid upon the table, and as amended printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to provide for making to the New York infirmary for women and children, allowances and payments for the care and maintenance of lying-in and nursing women," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Selkreg	
Bradley	Gerard	Moore	Starbuck	
Cole	Hammond	Morrissey	Wagner	
Coleman	Jacobs	Robertson	Wagstaff	
Doolittle	Kennaday	St. John	Wellman	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to provide for the incorporation of exchanges or boards of trade," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Jacobs	Morrissey	Selkreg	
Bradley	Kennaday	Prince	Wagner	
Cole	Lamont	Robertson	Wagstaff	
Doolittle	McCarthy	Sayre	Wellman	
Emerson	Moore	Schoonmaker	Woodin	
Harris				21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend the Revised Statutes relating to the 'assessment and collection of taxes,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Tobey
Bradley	Harris	Morrissey	Vedder
Cole	Jacobs	Robertson	Wagstaff

Coleman	Kennaday	St. John	Wellman	
Doolittle	Loomis	Selkreg	Woodin	
Emerson	McCarthy	Starbuck		23

## FOR THE NEGATIVE.

Schoonmaker 1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Woodin moved to take from the table the motion to reconsider the vote by which the bill entitled "An act to re-organize the board of commissioners of the sinking fund of the city of New York," was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Woodin the Clerk called the roll, and the following Senators answered to their names :

Bixby	Hammond	Morrissey	Starbuck	
Bradley	Harris	Prince	Tobey	
Carpenter	Jacobs	Robertson	Vedder	
Cole	Kennaday	St. John	Wagner	
Coleman	Lamont	Sayre	Wagstaff	
Doolittle	Loomis	Schoonmaker	Wellman	
Emerson	McCarthy	Selkreg	Woodin	
Gerard	Moore			30

The President put the question whether the Senate would agree to reconsider the vote by which said bill was lost, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Morrissey	Tobey	
Carpenter	Harris	Prince	Vedder	
Cole	Lamont	Robertson	Wagner	
Coleman	Loomis	Sayre	Wellman	
Doolittle	McCarthy	Selkreg	Woodin	
Emerson	Moore			22

## FOR THE NEGATIVE.

Bradley	Jacobs	St. John	Starbuck	
Hammond	Kennaday	Schoonmaker	Wagstaff	8

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Prince	Vedder	
Carpenter	Harris	Robertson	Wagner	
Cole	McCarthy	Sayre	Wellman	
Coleman	Moore	Selkreg	Woodin	
Doolittle	Morrissey	Tobey		19

## FOR THE NEGATIVE.

Bradley	Hammond	Kennaday	Wagstaff	
Gerard	Jacobs	St. John		7

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Selkreg offered the following :

*Resolved*, That a respectful message be sent to the Assembly requesting the return to the Senate of Assembly bill entitled "An to exempt the counties of Suffolk, Tioga, Onondaga, Saratoga, Ontario, Yates, Rensselaer, Genesee, Schenectady, Monroe, Livingston and Otsego from the provisions and operation of chapter 180 of the Laws of 1875, entitled 'An act creating a board of town auditors in the several towns of this State, and to prescribe their powers and duties.'"

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Moore offered the following :

*Resolved*, That the printing committee of the Senate be requested to ascertain, from the public printer, and report to the Senate, the reason why the annual report of the Canal Appraisers, transmitted on the 11th day of January last, has not been printed.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Woodin, from the committee on the affairs of cities, to which was recommitted the Assembly bill entitled "An act to amend and make additions to chapter 463 of the Laws of 1860, entitled 'An act to revise the charter of the city of Oswego,' and the acts amendatory thereof," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Harris called from the table the concurrent resolution in the words following :

*Resolved* (if the Assembly concur), That the Secretary of State be directed to cause the result of the State census of 1875 to be printed and bound, and also to be distributed in the same manner as the census of 1865, payment for the same to be made from the general appropriation for printing.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly and request their concurrence therein.

The Assembly returned the concurrent resolution requesting the Governor to return to the Senate, Senate bill No. 38, entitled "An act to provide for the election and defining the powers and duties of a police justice in the town of Watervliet, in the county of Albany," with a message that they had concurred in the passage of the same.

*Ordered*, That the Clerk deliver said resolution to the Governor.

Messrs. Gilbert and Purdy, a committee from the Assembly, appeared in the Senate Chamber and announced that the Assembly were prepared to proceed in joint convention to elect a State Superintendent of Public Instruction.

The hour of twelve o'clock having arrived, in pursuance of law and of a concurrent resolution heretofore adopted in relation to the election of a State Superintendent of Public Instruction, the President left the chair, and, with the Senate, proceeded to the Assembly Chamber.

The Senate having returned to the Senate Chamber, the President announced that a ballot having been taken, it appeared that the whole number of votes cast for State Superintendent of Public Instruction was 134, of which Neil Gilmour received 80, Abram B. Weaver received

45, Thomas S. Mount received 4, James O. Putnam received 1, Conrad Kuhn received 1, Henry Ward Beecher received 1, Henry E. Lynch received 1, and Hosea B. Perkins received 1.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general order, being the bills and concurrent resolution entitled as follows:

"An act to provide for the restraint and abatement of nuisances by boards of health."

*Resolved* (if the Assembly concur), That article 9 of the Constitution be amended by the addition of the following section:

§ 2. The common schools shall be maintained throughout the State forever. The Legislature shall provide for the instruction in the branches of elementary education in such schools of all persons in the State between the ages of five and twenty-one years, for the period of at least twenty-eight weeks in each year. Neither the money, property or credit of the State, nor of any county, city, town, village or school district, shall be given, loaned or leased, or be otherwise applied to the support or in aid of any school or instruction under the control or in charge of any church, sect, denomination or religious society, nor to or in aid of any school in which instruction is given peculiar to any church, creed, sect or denomination, or to or in aid of any such instruction, nor to or in aid of any school or instruction not free alike to all, and also subject to the supervision of and conformed to the regulations of the public school authorities. This section shall not prohibit the Legislature from making such provision for the education of the blind, the deaf and dumb, and juvenile delinquents, as it may seem proper, except that such education shall not be in institutions in which instruction is given peculiar to any church, creed, sect, denomination or religious society, nor shall this section apply to or affect the Cornell University endowment fund, hitherto pledged and appropriated.

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that in conformity with section 1 of article 13 of the Constitution, it be published for three months previous to the time of such election.

"An act to amend chapter 110 of the Laws of 1876, entitled 'An act supplemental to chapter 60 of the Laws of 1813, entitled An act to provide for the incorporation of religious societies, and of the several acts amendatory thereof, passed April 11, 1876.'"

After some time spent therein, the President resumed the chair, and Mr. Wellman, from said committee, reported progress on the first and last named bills, and asked and obtained leave to sit again.

Mr. Wellman, from the same committee, reported progress on said concurrent resolution, and asked and obtained leave to sit again.

A message was received from the Governor in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, April 3, 1877. }

*To the Senate:*

In accordance with a joint resolution of the Senate and Assembly, I return herewith, for amendment, Senate bill No. 38, entitled "An act to provide for the election and defining the powers and duties of a police justice in the town of Watervliet, in the county of Albany."

L. ROBINSON.

The President put the question whether the Senate would agree to reconsider the vote by which said bill was passed, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Prince	Starbuck
Bradley	Harris	Robertson	Tobey
Carpenter	Jacobs	St. John	Vedder
Cole	Kennaday	Sayre	Wagner
Coleman	Lamont	Schoonmaker	Wagstaff
Doolittle	McCarthy	Selkreg	Woodin
Emerson	Moore		

26

On motion of Mr. Harris, and by unanimous consent, said bill was amended as follows:

Section 3, line 51, engrossed bill, strike out after the words "shall have," the word "exclusive."

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Prince	Tobey
Bradley	Harris	Robertson	Vedder
Carpenter	Jacobs	St. John	Wagner
Cole	Kennaday	Sayre	Wagstaff
Coleman	Lamont	Schoonmaker	Wellman
Doolittle	Loomis	Starbuck	Woodin
Emerson	McCarthy		

26

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly returned, in compliance with the request of the Senate, the Assembly bill entitled "An act to exempt the counties of Suffolk, Tioga, Onondaga, Saratoga, Ontario, Yates, Rensselaer, Erie, Genesee, Schenectady, Monroe, Livingston and Otsego, from the provisions and operation of chapter 180 of the Laws of 1875, entitled 'An act creating a board of town auditors in the several towns of this State, and to prescribe their powers and duties.'"

The President put the question whether the Senate would agree to reconsider the vote by which said bill was passed, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Starbuck
Bradley	Hammond	Prince	Tobey
Carpenter	Harris	Robertson	Vedder
Cole	Jacobs	St. John	Wagner
Coleman	Kennaday	Sayre	Wagstaff
Doolittle	Lamont	Schoonmaker	Wellman
Emerson	Loomis	Selkreg	Woodin

28

On motion of Mr. Selkreg, and by unanimous consent, said bill was



amended by excepting from the provisions of said bill the county of Tioga."

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Harris	Robertson	Tobey
Carpenter	Kennaday	St. John	Wagner
Coleman	McCarthy	Schoonmaker	Wagstaff
Doolittle	Moore	Selkreg	Wellman
Gerard	Prince	Starbuck	Woodin
Hammond			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly returned the bill entitled "An act to authorize the Utica and Black River Railroad Company to charge and collect a uniform rate of fare, for passengers, on the roads operated by said company," with a message that they had concurred in the passage of the same with the following amendments:

Section 1, line 5, engrossed bill, after the word "it," insert the words "where such authority does not already exist." Same line, after the word "passenger," insert the words "not to exceed."

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	Lamont	Selkreg
Bradley	Gerard	McCarthy	Tobey
Carpenter	Hammond	Robertson	Wagner
Cole	Harris	St. John	Wagstaff
Coleman	Jacobs	Sayre	Wellman
Doolittle	Kennaday	Schoonmaker	Woodin

24

FOR THE NEGATIVE.

Moore	Starbuck
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2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to secure better public administration in the local government of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin moved that said bill, as amended, be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin moved that said bill be made a special order for Thursday next, immediately after the order of business of third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

On motion of Mr. Jacobs, the Senate took a recess until half-past seven o'clock.

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### HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

By unanimous consent, Mr. McCarthy, from the committee on literature, to which was referred the bill entitled "An act to constitute the village of Danforth, in the town and county of Onondaga, and State of New York, a separate free school district, under the free school laws of the State," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. McCarthy, and by unanimous consent, the rules were suspended and said bill was ordered considered in first committee of the whole.

On motion of Mr. Woodin, and by unanimous consent, the rules were suspended, and the following entitled bills were ordered considered in first committee of the whole:

"An act to authorize the towns of Mentz and Montezuma, in the county of Cayuga, to transfer stock held by them in the Cayuga Northern Railroad."

"An act for the relief of C. S. Beardsley, late a contractor in the State prison at Auburn."

By unanimous consent, Mr. Hammond asked and obtained leave to introduce a bill entitled "An act to amend chapter 387 of the Laws of 1872, entitled 'An act to supply the city of Rochester with pure and wholesome water, so as to provide for municipal insurance for said city,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to authorize the towns of Mentz and Montezuma, in the county of Cayuga, to transfer stock held by them in the Cayuga Northern Railroad."

"An act to constitute the village of Danforth, in the town and county of Onondaga, and State of New York, a separate free school district, under the free school laws of the State."

"An act for the relief of C. S. Beardsley, late a contractor in the State prison at Auburn."

After some time spent therein the President resumed the chair, and Mr. Loomis, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Loomis, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Loomis, from the same committee, reported in favor of the passage of the last named bill, and have amended the title thereof by changing the name "C. S. Beardsley," to "Charles S. Beardsley," which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend chapter 176 of the Laws of 1876, entitled 'An act supplementary to chapter 60 of the Laws of 1813, entitled An act to provide for the incorporation of religious societies and the acts supplementary thereto, passed April 26, 1876.'"

Assembly, "An act to amend section 42 of article 3, title 1, of chapter 8 of part 2 of the Revised Statutes, entitled 'Of divorces dissolving the marriage contract.'"

Assembly, "An act to provide the State Library with the proceedings of the several boards of supervisors."

After some time spent therein, the President resumed the chair, and Mr. Hammond, from said committee, reported in favor of the passage of the first named bill, with amendments, and have amended the title thereof by striking out the words "passed April 26, 1876," which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Hammond, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend chapter 341 of the Laws of 1876, entitled 'An act regulating the forfeiture of life insurance policies.'"

"An act to amend chapter 605 of the Laws of 1875, entitled 'An act in relation to the county treasurers of the counties of Monroe and Seneca.'"

"An act to amend chapter 295 of the Laws of 1876, entitled 'An act to authorize the presiding judge or justice of courts of oyer and terminer to grant new trials.'"

After some time spent therein, the President resumed the chair, and Mr. Wellman, from said committee, reported in favor of the passage of the first and last named bills, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Wellman, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

On motion of Mr. Woodin, and by unanimous consent, the rules were suspended, and the bill entitled "An act to amend chapter 49 of the Laws of 1876, entitled 'An act in relation to the equalization of assessments under chapter 312 of the Laws of 1859, and the amendments thereto,'" was ordered considered in first committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act relative to lands devised by Jesse Browne, deceased."

"An act further to amend chapter 446 of the Laws of 1874, entitled 'An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylums for their treatment and safe-keeping, and the duties of the State Commissioner in Lunacy.'"

"An act to amend chapter 49 of the Laws of 1876, entitled 'An act in

relation to the equalization of assessments under chapter 312 of the Laws of 1859, and the amendments thereto.' ”

After some time spent therein, the President resumed the chair, and Mr. Bixby, from said committee, reported in favor of the passage of the said named bills, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Cole, from the committee on canals, to which was referred the resolution of the Canal Board, asking for amendment of chapter 388 of the Laws of 1876, reported that the committee have had the same under consideration, and have concluded to report a bill entitled “An act to amend chapter 388 of the Laws of 1876, entitled ‘An act to enlarge the powers of the Canal Board,’ ” which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

On motion of Mr. Vedder, the Senate adjourned.

### WEDNESDAY, APRIL 4, 1877.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Upson.

The journal of yesterday was read and approved.

Mr. Bixby presented a petition of the New York Catholic Protectory for Relief; which was read and referred to the committee on finance.

Mr. Wagner presented a petition of Bostwick Hawley and others for the election of Rev. O. H. Warren as Regent of the University; which was read and referred to the committee on literature.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

“An act supplementary to chapter 611 of the Laws of 1875, entitled ‘An act to provide for the organization and regulation of certain business corporations.’ ”

“An act to incorporate the Greenwood Lake Sportsman’s Club.”

“An act to authorize the towns of Mentz and Montezuma, in the county of Cayuga, to transfer stock held by them in the Cayuga Northern Railroad.”

“An act to constitute the village of Danforth, in the town and county of Onondaga, and State of New York, a separate free school district, under the free school laws of the State.”

“An act for the relief of Charles S. Beardsley, late a contractor in the State prison at Auburn.”

“An act relative to lands devised by Jesse Browne, deceased.”

“An act to amend chapter 295 of the Laws of 1876, entitled ‘An act to authorize the presiding judge or justice of courts of oyer and terminer to grant new trials.’ ”

“An act to amend chapter 176 of the Laws of 1876, entitled ‘An act supplementary to chapter 80 of the Laws of 1813, entitled An act to provide for the incorporation of religious societies and the acts supplementary thereto.’ ”

"An act to amend chapter 605 of the Laws of 1875, entitled 'An act in relation to the county treasurers of the counties of Monroe and Seneca.' "

"An act to amend chapter 341 of the Laws of 1876, entitled 'An act regulating the forfeiture of life insurance policies.' "

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to further amend chapter 150 of the Laws of 1872, entitled 'An act to incorporate the city of Kingston,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to regulate and define the duties of pawnbrokers," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to regulate and define the duties of pawnbrokers in the cities of New York and Brooklyn," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release the right, title and interest of the people of the State of New York in and to the proceeds of sale of certain real estate in the town of Middletown, county of Richmond, to Phillipena Schworm, widow of Bernard Schworm, deceased," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 675 of the Laws of 1872, entitled 'An act in relation to elections in the city and county of New York, and to provide for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage thereat,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release to the estate of Charles Doran, deceased, the right, title and interest of the people of the State of New York in and to certain real estate in the city of Poughkeepsie," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act in relation to the indictment and punishment of criminal offenses committed on railroads within this State," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act to provide for the collection of unpaid assessments, imposed or to be imposed, pursuant to a provision of an act entitled 'An act to amend an act passed May 11, 1869, entitled An act to lay out and improve a public highway or avenue from Prospect Park, in the city of Brooklyn, toward Coney Island, in the county of Kings, passed May 14, 1872,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Wagner, from the committee on public printing, to which was referred the resolution to print the annual report of the Canal Commissioners, for the year ending September 30, 1876, reported in favor of the adoption of the following resolution:

*Resolved* (if the Assembly concur), That there be printed for the use

of the Canal Commissioners 1,000 copies of the annual report of the Canal Commissioners, for the year ending September 30, 1876, to be bound in cloth; and also 1,000 copies in paper covers for the use of the Legislature; provided, that the cost thereof does not exceed ten cents per page per 100 copies.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Morrissey	Selkreg
Carpenter	Hammond	Prince	Sprague
Cole	Harris	Robertson	Wagner
Coleman	Jacobs	St. John	Wellman
Doolittle	Kennaday	Schoonmaker	Woodin
Emerson	Moore		

22

*Ordered*, That the Clerk deliver said resolution to the Assembly and request their concurrence therein.

The Assembly sent for concurrence the bills entitled as follows:

"An act to amend section 3 of chapter 443 of the Laws of 1876, entitled 'An act supplemental to the act entitled An act to revise the charter of the city of Syracuse, passed March 3, 1857,' and the acts amendatory thereto, passed June 2, 1876," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to authorize the trustees of incorporated rural cemeteries to register the lots thereof, and to impose a tax upon the lot owners in said cemeteries, in the counties of Kings and Queens," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act to amend chapter 389 of the Laws of 1876, entitled 'An act to amend chapter 504 of the Laws of 1875, entitled An act to amend chapter 455 of the Laws of 1874, entitled An act to protect the fisheries of Cross lake, in the county of Onondaga, State of New York; also, of Clyde and Seneca rivers, in the counties of Wayne and Cayuga,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to confirm the acts of the trustees of the Raquetteville Cemetery Association of North Potsdam, and to authorize the transfer of the remains of deceased persons, buried in the grounds of such association, to other grounds, and to authorize the sale and conveyance of the grounds abandoned," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act to authorize the trustees of the corporation of the village of Portageville, county of Wyoming, to cause an assessment to be made of the taxable property of said corporation and to be levied and collected a tax sufficient to pay the indebtedness of said corporation," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to prevent fishing for trout for three years in Owasco lake, in the county of Cayuga," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend chapter 71 of the Laws of 1844, entitled 'An act

to amend an act for the incorporation of the village of Oxford, and for other purposes,'” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

“An act to authorize the village of Sag Harbor, Suffolk county, to borrow money for purchasing a steam fire apparatus, with the necessary appurtenances therefor, and to secure a supply of water therefor,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

“An act to amend chapter 76 of the Laws of 1850, entitled ‘An act to revise and consolidate the laws in relation to the village of Whitehall, passed March 16, 1850,’ and the other acts amendatory thereof,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

“An act for the relief of school districts wishing to contract with boards of education of cities, to educate their children in city schools,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

“An act to amend an act entitled ‘An act to establish a local court of civil jurisdiction in the city of Rochester, to be called the Municipal Court of the city of Rochester, and to amend the charter of said city,’ passed May 2, 1876,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

“An act to create a police pension fund for disabled and retired policemen in the city of Brooklyn,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

“An act to establish a fire department in the second school district of the town of Glenville, in the county of Schoenectady, and for the government and maintenance of the same,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

“An act to release to Miles Perry and his legal representatives the title and interest of the people of the State of New York in certain real estate in the town of Riga and county of Monroe,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

“An act to organize a fire department in the village of Andes, Delaware county,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

“An act to amend chapter 559 of the Laws of 1874, entitled ‘An act to incorporate the Niagara Grand Island Bridge Company,’” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

“An act to authorize the treasurer of Monroe county to sell property for unpaid taxes.”

“An act to authorize the police department or board of police of any city to appoint policemen of district telegraph companies.”

“An act to amend chapter 166 of the Laws of 1874, entitled ‘An act to incorporate the Maritime Association of the port of New York.’”

"An act relating to Gowanda union free school district, composed of a part of the town of Collins, in Erie county, and parts of the towns of Persia and Perrysburgh in Cattaraugus county."

"An act to authorize the appointment of a librarian to take charge of the law library in the fifth judicial district, located at Utica."

"An act to empower the board of education of the educational district of Seneca Falls to appoint an assessor for such district."

"An act to amend chapter 164 of the Laws of 1875, entitled 'An act for the relief of the grandchildren of Samuel F. Pratt, late of the city of Buffalo, deceased.'"

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the bill entitled as follows:

"An act to authorize the Utica and Black River Railroad Company to charge and collect a uniform rate of fare, for passengers, on the roads operated by said company."

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly returned the bill entitled "An act to provide for the better administration of justice in the town of Watervliet, in the county of Albany," with a message that they had concurred in the passage of the same, as amended.

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly returned the following entitled Assembly bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act making appropriations for the payment of the principal and the interest of the canal debt for the fiscal year commencing on the first day of October, 1877, and to provide means to pay the interest on the debt created under section 3 of article 7 of the Constitution, for the fiscal years commencing on the 1st day of October, 1876, and ending on the 30th day of September, 1878."

"An act for the relief of the Kip's Bay Methodist Episcopal Church."

"An act in relation to collectors and receivers of taxes."

*Ordered*, That the Clerk return said bills to the Assembly.

Mr. Morrissey introduced a bill entitled "An act to provide for a supply of wholesome water to the Twenty-fourth ward of the city of New York, and to enable the mayor, aldermen and commonalty of the city of New York to obtain the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Morrissey moved that the special order set down for this day, being the bill entitled "An act supplemental to chapter 375 of the Laws of 1875, entitled 'An act to re-organize the local government of the city of New York,'" be postponed, and that the consideration of the same be made a special order for Tuesday next, immediately after the order of business of introduction of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Assembly bill entitled "An act to provide the State library with the proceedings of the several boards of supervisors to the librarian of the State library," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a



majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Jacobs	St. John	Vedder
Carpenter	Kennaday	Schoonmaker	Wagner
Cole	Moore	Selkreg	Wagstaff
Coleman	Morrissey	Sprague	Wellman
Emerson	Prince	Starbuck	Woodin
Harris	Robertson		

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend section 42 of article 3 of chapter 8 of part 2 of the Revised Statutes, entitled 'Of divorces dissolving the marriage contract,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Hammond	Prince	Vedder
Bixby	Harris	Robertson	Wagner
Carpenter	Jacobs	St. John	Wagstaff
Coleman	Lamont	Schoonmaker	Wellman
Emerson	Moore	Selkreg	Woodin
Gerard	Morrissey	Starbuck	

23

## FOR THE NEGATIVE.

Kennaday 1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to amend chapter 176 of the Laws of 1876, entitled 'An act supplementary to chapter 60 of the Laws of 1813, entitled 'An act to provide for the incorporation of religious societies and the acts supplementary thereto,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	St. John	Vedder
Bixby	Gerard	Schoonmaker	Wagner
Carpenter	Prince	Tobey	Wagstaff
Coleman	Robertson		

14

## FOR THE NEGATIVE.

Bradley	Lamont	Selkreg	Wellman
Cole	Moore	Sprague	Woodin
Harris	Morrissey	Starbuck	

11

Mr. Gerard moved to reconsider the vote by which said bill was lost, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to amend chapter 341 of the Laws of 1876, entitled 'An act regulating the forfeiture of life insurance policies,'" having been announced for a third reading,

On motion of Mr. Vedder, and by unanimous consent, said bill was amended as follows:

Section 2, line 4, engrossed bill, strike out all after the word "mailed," and insert as follows, "to the person whose life is assured by the policy, or to the assignee of the policy, if notice of the assignment has been given to the company."

Mr. Starbuck moved that said bill be recommitted to the committee on insurance, with instructions to strike out the enacting clause.

Pending which,

The hour of twelve o'clock having arrived, the President announced that the Senate would now go into executive session.

Mr. Woodin moved that the executive session be postponed until the bill under consideration be disposed of.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question upon the motion of Mr. Starbuck, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Moore	Sayre	Starbuck
Emerson	St. John	Selkreg	Woodin
McCarthy			

9

#### FOR THE NEGATIVE.

Baaden	Doolittle	Morrissey	Tobey
Bradley	Gerard	Prince	Vedder
Carpenter	Hammond	Robertson	Wagner
Cole	Harris	Schoonmaker	Wellman
Coleman	Kennaday	Sprague	

19

Mr. Vedder moved that said bill be recommitted to the committee of the whole, and that the same be considered in first committee of the whole after to-day.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then went into executive session, and after some time spent therein, the doors were opened and the Senate resumed legislative business.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to provide for stability of construction and security against conflagration, panic or other accident in theaters hereafter to be erected in the city of New York," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to establish a local court of civil jurisdiction in the city of Rochester, to be called the Municipal Court of the city of Rochester, and to amend the charter of said city,' passed May 2, 1876," reported in favor of the passage of the same, with the title amended so as to read "An act to

amend chapter 196 of the Laws of 1876, entitled 'An act to establish a local court of civil jurisdiction in the city of Rochester, to be called the Municipal Court of the city of Rochester, and to amend the charter of said city,' and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to create a police pension fund for disabled and retired policemen in the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend chapter 443 of the Laws of 1876, entitled 'An act supplemental to the act entitled An act to revise the charter of the city of Syracuse,' passed March 3, 1857, and the acts amendatory thereto, passed June 2, 1876," reported in favor of the passage of the same, with the title amended so as to read "An act to amend chapter 443 of the Laws of 1876, entitled 'An act supplemental to the act entitled An act to revise the charter of the city of Syracuse,' passed March 3, 1857, and the acts amendatory thereto," and said bill was committed to the committee of the whole.

Mr. Moore, from the committee on agriculture, to which was referred the bill entitled "An act to prevent fraud in the manufacture and sale of commercial fertilizers," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Wagstaff asked and obtained leave to introduce a bill entitled "An act to further amend chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on internal affairs.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act authorizing the supervisor of the town of Newtown, Queens county, to issue and exchange certain bonds," reported in favor of the passage of the same,

On motion of Mr. Prince, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading and to be printed.

The bill entitled "An act to amend chapter 295 of the Laws of 1876, entitled 'An act to authorize the presiding judge or justice of courts of oyer and terminer to grant new trials,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Harris	St. John	Vedder
Bradley	Kennaday	Schoonmaker	Wagner
Carpenter	Lamont	Selkreg	Wagstaff
Doolittle	McCarthy	Sprague	Wellman
Gerard	Prince	Starbuck	Woodin
Hammond	Robertson	Tobey	

23

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act relative to lands devised by Jesse Browne, deceased," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Starbuck
Bixby	Hammond	Prince	Tobey
Carpenter	Harris	Robertson	Vedder
Cole	Jacobs	St. John	Wellman
Doolittle	Kennaday	Selkreg	Woodin
Emerson	Lamont	Sprague	

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the towns of Mentz and Montezuma, in the county of Cayuga, to transfer stock held by them in the Cayuga Northern Railroad," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Tobey
Bixby	Gerard	Robertson	Vedder
Carpenter	Hammond	St. John	Wagstaff
Coleman	Harris	Selkreg	Wellman
Doolittle	Kennaday	Starbuck	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Sprague, and by unanimous consent, the committee of the whole was discharged from the further consideration of the bill entitled "An act to legalize and confirm the acts of Truman C. White as notary public," and the same was ordered to a third reading.

On motion of Mr. Selkreg, and by unanimous consent, the committee of the whole was discharged from the further consideration of the bill entitled "An act to repeal chapter 404 of the Laws of 1873, entitled 'An act for the relief of the inhabitants of union free school district No. 2, in the town of Newark Valley, in the county of Tioga,' and to restore union free school No. 2, in the town of Newark Valley, as it existed before the passage of said act," and the same was ordered to a third reading.

The bill entitled "An act to provide for the review and correction of illegal, erroneous and unequal assessments," having been announced for a third reading,

On motion of Mr. Woodin, and by unanimous consent, said bill was amended as follows:

Section 1, line 2, engrossed bill, after the word "court" insert the words "or by the superior court of any city."

Mr. Bradley moved that said bill be recommitted to the committee on the judiciary, with instructions to amend as follows:

Section 1, line 5, printed bill, after the word "illegal" insert the words "or erroneous." Line 6, after the word "or" insert the word "error." Strike out from the words "is erroneous," in line 6, to the word "officers," in line 8, both, inclusive. Line 9, after the word "illegal" insert the word "or." Strike out the words "or unequal," in line 9. Line 10, after the word "illegality" insert the word "or." Line 10, strike out the words "or inequality."

Section 4, line 2, after the word "illegal" insert the word "or." Line 2, strike out the words "or unequal." Line 4, strike out from the word "a," in line 4, to the words "petitioner or," in line 6, inclusive. Strike out from the word "or," in line 6, to the word "assessment," in line 8, both inclusive. Line 4, strike out the words "or unequal."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Bradley moved that said bill be recommitted to the committee on finance, with instructions to amend as follows:

Section 4, line 5, printed bill, strike out the words "of the petitioner," and insert the words "on the assessment roll."

Section 5, line 4, after the word "may," insert the words "in its discretion."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Bradley	Moore	Selkreg	Vedder	
Hammond				5

#### FOR THE NEGATIVE.

Baaden	Gerard	Robertson	Starbuck	
Carpenter	Harris	St. John	Wagstaff	
Coleman	McCarthy	Sayre	Wellman	
Doolittle	Morrissey	Schoonmaker	Woodin	16

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Gerard	Robertson	Sprague	
Bixby	Harris	St. John	Wagstaff	
Carpenter	McCarthy	Sayre	Wellman	
Coleman	Morrissey	Schoonmaker	Woodin	
Doolittle	Prince	Selkreg		19

#### FOR THE NEGATIVE.

Bradley	Hammond	Moore	Starbuck	4
---------	---------	-------	----------	---

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act supplementary to chapter 611 of the Laws of 1875, entitled 'An act to provide for the organization and regulation of certain business corporations,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill; and it was decided in the affirmative, a

majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Jacobs	St. John	Starbuck
Bixby	McCarthy	Sayre	Vedder
Carpenter	Moore	Schoonmaker	Wagstaff
Coleman	Prince	Selkreg	Wellman
Doolittle	Robertson	Sprague	Woodin
Harris			

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the Greenwood Lake Sportsman's Club," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Carpenter	McCarthy	Sayre	Vedder
Coleman	Moore	Schoonmaker	Wagstaff
Doolittle	Morrissey	Selkreg	Wellman
Harris	St. John	Sprague	

15

## FOR THE NEGATIVE.

Bixby	Hammond	Prince	Starbuck
Bradley	Jacobs	Robertson	Woodin

8

When the name of Mr. Bixby was called he asked to be excused from voting.

The President put the question whether the Senate would grant said request, and it was decided in the negative.

Mr. Bixby subsequently voted in the negative.

When the name of Mr. Jacobs was called he asked to be excused from voting.

The President put the question whether the Senate would grant said request, and it was decided in the negative.

Mr. Jacobs subsequently voted in the negative.

Mr. Wagstaff moved to reconsider the vote by which said bill was lost, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to constitute the village of Danforth, in the town and county of Onondaga and State of New York, a separate free school district, under the free school laws of the State," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Jacobs	Robertson	Starbuck
Bradley	McCarthy	St. John	Vedder
Carpenter	Moore	Sayre	Wagstaff

Coleman  
Doolittle  
Harris

Morrissey  
Prince

Schoonmaker  
Selkreg

Wellman  
Woodin

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 605 of the Laws of 1875, entitled 'An act in relation to the county treasurers of the counties of Monroe and Seneca,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby  
Bradley  
Carpenter  
Coleman  
Doolittle

Hammond  
Harris  
Jacobs  
Kennaday  
McCarthy

Moore  
Morrissey  
Prince  
Robertson  
St. John

Sayre  
Selkreg  
Wagstaff  
Wellman  
Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Wagstaff moved to take from the table the motion to reconsider the vote by which the bill entitled "An act to incorporate the Greenwood Lake Sportsman's Club," was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to reconsider the vote by which said bill was lost, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Baaden  
Bixby  
Carpenter  
Coleman  
Doolittle

Harris  
Jacobs  
Kennaday  
McCarthy  
Moore

Morrissey  
St. John  
Sayre  
Schoonmaker  
Selkreg

Sprague  
Vedder  
Wagstaff  
Wellman  
Woodin

20

#### FOR THE NEGATIVE.

Prince

Robertson

Starbuck

3

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to legalize and confirm the acts of Truman C. White as notary public."

The bill entitled "An act for the relief of Charles S. Beardsley, late a contractor in the State prison at Auburn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority

of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Harris	Prince	Starbuck
Bixby	Jacobs	Robertson	Vedder
Bradley	Kennaday	St. John	Wagstaff
Carpenter	McCarthy	Sayre	Wellman
Coleman	Moore	Selkreg	Woodin
Doolittle	Morrissey	Sprague	

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to legalize and confirm the acts of Truman C. White, as notary public," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Harris	Prince	Starbuck
Bradley	Jacobs	Robertson	Vedder
Carpenter	Kennaday	St. John	Wagstaff
Cole	McCarthy	Sayre	Wellman
Coleman	Moore	Selkreg	Woodin
Doolittle	Morrissey	Sprague	

23

## FOR THE NEGATIVE.

Schoonmaker

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Prince, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to repeal chapter 583 of the Laws of 1869, entitled 'An act relative to the improvement of Mamaroneck harbor, and for the promotion of the public health,' passed May 5, 1869," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Prince offered the following :

*Resolved*, That a respectful message be sent to the honorable the Assembly, asking the return of Senate bill No. 125, being "An act further to amend chapter 510 of the Laws of 1869, entitled 'An act to amend an act entitled An act to amend an act entitled An act to incorporate the village of Flushing, passed April 15, 1837, and the several acts amendatory thereof,' passed March 20, 1857," for amendment.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Doolittle introduced a bill entitled "An act to amend chapter 237 of the Laws of 1869, entitled 'An act to amend an act entitled An act to authorize the formation of railroad corporation, and to regulate the same,' passed April 2, 1850," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.



Mr. Woodin moved that hereafter the morning sessions of the Senate commence at half past ten o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Moore, the Senate adjourned.

## THURSDAY, APRIL 5, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Emerson presented a petition of citizens of Monroe county, for the assessment and taxation of all property according to its money valuation; which was read and referred to the committee on finance.

Also, a petition of citizens of Monroe county, for a reduction of the salaries of county judge and surrogate of said county; which was read and referred to the committee on the judiciary.

Mr. Bradley presented a petition of citizens of Schuyler and Steuben counties, for the assessment and taxation of all property according to its money valuation; which was read and referred to the committee on finance.

Mr. McCarthy presented a petition of the trustees of the College of Missionaries, for the dissolution of said corporation; which was read and referred to the committee on miscellaneous corporations.

Mr. Wellman presented a resolution of the "Livingston Sportsmen's Association," for amendments to the game laws; which was read and referred to the committee on internal affairs.

Mr. McCarthy, from the committee on literature, to which was referred the bill entitled "An act to amend chapter 173 of the Laws of 1875, entitled 'An act to provide for the better care of pauper and destitute children,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. McCarthy, from the committee on literature, to which was referred the Assembly bill entitled "An act for the relief of school districts wishing to contract with boards of education of cities, to educate their children in city schools," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act regulating the practice in the surrogate's court of the county of New York, respecting testimony taken in contested matters, and as to the issue of letters of guardianship to testamentary guardians," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to further amend the act entitled 'An act authorizing the incorporation of rural cemetery associations,' passed April 27, 1847," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act further to amend chapter 133 of the Laws of 1847, entitled 'An ac,

authorizing the incorporation of rural cemetery associations,'” and said bill was committed to the committee of the whole.

Mr. Sprague moved that the committee on miscellaneous corporations be discharged from the further consideration of the bill entitled “An act to incorporate the Buffalo Pipe Line Company,” and that the same be committed to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Sayre, from the committee on roads and bridges, to which was referred the bill entitled “An act to annul or repeal the act to incorporate the Clyde and Rose Plank-road Company,” reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled “An act to amend chapter 395 of the Laws of 1873, entitled ‘An act to alter the system of repairing highways,’” reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled “An act to amend chapter 76 of the Laws of 1850, entitled ‘An act to revise and consolidate the laws in relation to the village of Whitehall, passed March 16, 1850, and the other acts amendatory thereof,’” reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The President presented resolutions of the New York Board of Trade, relative to proposed amendments to the Constitution in respect to the government of cities; which was read and committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

“An act to repeal chapter 404 of the Laws of 1873, entitled ‘An act for the relief of the inhabitants of union free school district No. 2, in the town of Newark Valley, in the county of Tioga,’ and to restore union free school district No. 2, in the town of Newark Valley, as it existed before the passage of said act.”

“An act to amend chapter 49 of the Laws of 1876, entitled ‘An act in relation to the equalization of assessments under chapter 312 of the Laws of 1859, and the amendments thereto.’”

The Assembly returned the bill entitled “An act to amend chapter 440 of the Laws of 1873, entitled ‘An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes,’” with a message that they had concurred in the passage of the same, with the following amendment:

Section 3, line 11, after the word “condition” insert the words “to cause such road to be put in good condition within forty-eight hours from the service of such notice, or in default thereof.”

The President put the question whether the Senate would concur in said amendment, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE,

Bixby  
Bradley

Emerson  
Gerard

Moore  
Robertson

Starbuck  
Vedder

Carpenter	Harris	Sayre	Wagner
Cole	Jacobs	Schoonmaker	Wagstaff
Coleman	Kennaday	Selkreg	Wellman
Doolittle	McCarthy	Sprague	Woodin

24

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly sent for concurrence the bills entitled as follows :

1 "An act to amend chapter 737 of the Laws of 1873, entitled 'An act in relation to the creation and formation of water-works companies in towns and villages of the State of New York,' passed June 12, 1873," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend chapter 410 of the Laws of 1874, entitled 'An act to authorize towns and villages to provide a sinking fund for the payment of their bonded indebtedness,' so far as the same relates to the county of Chautauqua," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to enable Clinton Liberal Institute to change its location," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act legalizing and confirming a certain deed of real estate, executed by M. Lindley Lee to Elizabeth Crumley, and also a certain deed executed by said Elizabeth Crumley to Jennie E. Crumley," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to amend and consolidate the several acts relative to the city of Schenectady,' passed April 21, 1862, and the acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The Assembly returned the concurrent resolution providing for the printing of the Annual Report of the State Board of Charities, with a message that they had concurred therein, with the following amendment :

Add at the end thereof the words "at a cost not to exceed ten cents per page per 100 copies."

The President put the question whether the Senate would concur in said amendment, and it was decided in the affirmative.

*Ordered,* That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly returned the concurrent resolution providing for the printing of the Annual Report of the Managers of the Western House of Refuge, with the following amendment :

Add at the end thereof the words "and to be bound in paper at a cost not to exceed ten cents per page per 100 copies."

The President put the question whether the Senate would concur in said amendment, and it was decided in the affirmative.

*Ordered,* That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly returned the concurrent resolution providing for the printing of the Annual Report of the Board of Managers of the State Reformatory at Elmira, with a message that they had concurred in the same, with the following amendment :

Add at the end thereof the words "to be bound in paper and at a cost not to exceed ten cents per page per 100 copies."

The President put the question whether the Senate would concur in said amendment, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly returned the concurrent resolution providing for the printing of the Annual Report of the Commissioners of Fisheries, with a message that they had concurred therein, with the following amendment:

Add at the end thereof the words "to be bound in paper."

The President put the question whether the Senate would concur in said amendment, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly returned the concurrent resolution providing for printing the annual report of the State Treasurer, with a message that they had concurred in the same with the following amendment:

Strike out all after "if the Assembly concur," and insert the following: "Five hundred (500) extra copies of the annual report of the Treasurer of the State of New York, for the use of that officer, to be bound in paper; provided, that the cost shall not exceed ten cents per page per 100 copies."

The President put the question whether the Senate would concur in said amendment, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly returned the concurrent resolution providing for printing the annual report of the New York State Blind Asylum at Batavia, with a message that they had concurred therein with the following amendment:

Strike out the word "institute," and insert as follows: "for the use of the officers thereof, to be bound in paper, at a cost not to exceed ten cents per page per 100 copies."

The President put the question whether the Senate would concur in said amendment, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly returned the concurrent resolution providing for printing the annual report of the trustees of the Willard Asylum, with a message that they had concurred therein with the following amendments: Add at the end thereof the following: "to be bound in paper, and at a cost for printing not to exceed ten cents per page per 100 copies. Strike out "1,500," and insert "1,000."

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the concurrent resolution providing for printing the Annual Report of the Board of Managers of the New York State Lunatic Asylum at Utica, with a message that they had concurred in the same, with the following amendments:

Strike out the words "3,000," in line 1, and insert the words "2,000." Strike out the words "2,000 copies," in line 4, and the words "1,000 for

the Legislature," in lines 5 and 6, and add the words "without lithographic plates and at a cost not to exceed ten cents per page per 100 copies."

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the concurrent resolution for the printing of the Annual Report of the Commissioners of Quarantine, with a message that they had concurred in the same, with the following amendment:

Add at the end thereof the words "without plates or maps."

The President put the question whether the Senate would concur in said amendment, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly returned the concurrent resolution providing for the printing of the report of the commission to devise a plan for the government of cities in the State of New York, with a message that they had concurred therein, with the following amendment:

Add at the end thereof the words "to be bound in paper at a cost not to exceed ten cents per page per 100 copies."

The President put the question whether the Senate would concur in said amendment, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly returned the concurrent resolution providing for the printing of extra copies of the Report of the State Assessors, with a message that they had concurred therein, with the following amendment:

Add at the end thereof the words: "Provided, that in each case that the printing of the extra documents, named above, shall not exceed ten cents per page per 100 copies."

The President put the question whether the Senate would concur in said amendment, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly sent for concurrence a resolution in the words following:

*Whereas*, A vacancy has occurred in the Board of Regents of the University of the State of New York, by the resignation of Augustus C. George of Syracuse; therefore, be it

*Resolved* (if the Senate concur), That the Legislature meet in joint session on Wednesday the eleventh day of April instant, at twelve o'clock noon, for the purpose of electing a Regent of the University in the place of Augustus C. George, resigned.

On motion of Mr. McCarthy, and by unanimous consent, the rules were suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly returned the following entitled Assembly bills, with a

message that they had concurred in the amendments of the Senate thereto:

"An act to incorporate Rapid Hose Company No. 1, of the city of Kingston, Ulster county, State of New York."

"An act to facilitate the construction of narrow gauge railroads, and to amend chapter 560 of the Laws of 1871, entitled 'An act to amend an act entitled An act to authorize the formation of railroad corporations and to regulate the same,' passed April 2, 1850."

"An act to provide the State Library with the proceedings of boards of supervisors."

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act to release to Margery Farren the right, title and interest of the people of the State of New York, in and to certain real estate in the city of Brooklyn."

"An act to confirm the title of certain persons to real estate questioned by reason of alienage of former owners."

"An act to release to Mary Rolph the right, title and interest of the people of the State of New York, in and to certain real estate in the town of Ridgeway, Orleans county."

*Ordered*, That the Clerk deliver said bills to the Governor.

Mr. Robertson introduced a bill entitled "An act to punish trespassing on railroads," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. McCarthy introduced a bill entitled "An act to dissolve the College of Missionaries," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

On motion of Mr. Wagner, and by unanimous consent, the committee of the whole was discharged from the further consideration of the Assembly bill entitled "An act authorizing the trustees of the village of Ballston Spa to issue bonds, to be known as "Extended Water Bonds," to pay a portion of the water bonds now outstanding of said village, maturing in the year 1877 and thereafter," and the same was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Gerard	Robertson	Starbuck
Bradley	Harris	St. John	Vedder
Carpenter	Jacobs	Sayre	Wagner
Cole	Kennaday	Schoonmaker	Wagstaff
Coleman	Loomis	Selkreg	Wellman
Doolittle	McCarthy	Sprague	Woodin
Emerson	Moore		

26

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act supplementary to chapter 349 of the Laws of 1855, entitled 'An act incorporating the Oswego fire department of

the city of Oswego,' passed April 12, 1855, and the acts amending the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Vedder
Bradley	Harris	Robertson	Wagner
Carpenter	Jacobs	St. John	Wagstaff
Cole	Kennaday	Schoonmaker	Wellman
Doolittle	Loomis	Selkreg	Woodin
Emerson	McCarthy	Starbuck	23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to repeal chapter 404 of the Laws of 1873, entitled 'An act for the relief of the inhabitants of union free school district No. 2, in the town of Newark Valley, in the county of Tioga,' and to restore union free school district No. 2 in the town of Newark Valley, as it existed before the passage of said act," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	Moore	Sprague
Bradley	Gerard	Prince	Vedder
Carpenter	Harris	Robertson	Wagner
Cole	Kennaday	St John	Wagstaff
Coleman	Loomis	Schoonmaker	Wellman
Doolittle	McCarthy	Selkreg	Woodin
			24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Woodin moved that the special order set down for this hour, being the bill entitled "An act to secure better public administration of the local government of the city of New York," be postponed until to-morrow morning, immediately after the order of business of introduction of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Woodin moved that the concurrent resolutions proposing an amendment to the Constitution, to be known as article 7 thereof; also concurrent resolution proposing an amendment to article 2 of the Constitution; also concurrent resolution proposing an amendment to article 3 of the Constitution, be made a special order for Tuesday morning next immediately after introduction of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Woodin moved that said concurrent resolutions be referred to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Doolittle and by unanimous consent, the rules were suspended and the Assembly bill entitled "An act to amend and make additions to chapter 463 of the Laws of 1860, entitled 'An act to revise the charter of the city of Oswego,' and the acts amendatory thereof," was ordered considered in first committee of the whole.

The bill entitled "An act to amend chapter 49 of the Laws of 1876, entitled 'An act in relation to the equalization of assessments under chapter 312 of the Laws of 1859, and the amendments thereto,'" having been announced for a third reading,

Mr. Carpenter moved to recommit said bill to the committee on the judiciary, with instructions to amend as follows:

Add at the end of section 1 the following:

"Each year, immediately after the board of equalization shall have equalized the State tax among the several counties of the State, and fixed the amount of assessment of real and personal estate on which the State tax shall be levied in each county, and prior to the levy of said tax, it shall be the duty of the State Assessors to equalize and apportion, in each county in which there is a city whose boundaries are not the same as those of the county, the State and county taxes as between said city and the remainder of the county, and fix the amount of assessment of real and personal estate on which the State and county taxes shall be levied, upon the city and the remainder of the county respectively. The determination of said State Assessors, certified by them, shall immediately be filed with the Comptroller, and a copy thereof, by them, be forwarded, by mail, to the county clerk of each county affected thereby, to be filed in his office, and also to the clerk of the board of supervisors of such county. In any county containing more than one city, such equalization and apportionment shall be made between each city, and the remainder of the county, exclusive of cities, upon any equalization to be made solely as between towns, supervisors of a city shall not be entitled to vote."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Robertson, from the committee on the judiciary, to which was recommitted the bill entitled "An act to amend chapter 49 of the Laws of 1876, entitled 'An act in relation to the equalization of assessments under chapter 312 of the Laws of 1859,' and the amendments thereto," reported that they have made the amendment thereto, as instructed, and directed their chairman to report the same to the Senate.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Harris	St. John	Tobey
Bixby	Kennaday	Sayre	Vedder
Carpenter	Loomis	Schoonmaker	Wagstaff
Coleman	McCarthy	Selkreg	Wellman
Doolittle	Robertson	Starbuck	Woodin
Gerard			

21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.



Mr. Gerard offered the following :

*Resolved*, That the State printer be requested to print the extra copies of the report of the Commission on cities, as heretofore ordered, without further delay.

On motion of Mr. Gerard, said resolution was laid upon the table.

Mr. Sprague moved that the bill entitled "An act supplementary to the charter of the city of Buffalo," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act supplementary to the charter of the city of Buffalo."

"An act to amend chapter 341 of the Laws of 1876, entitled 'An act regulating the forfeiture of life insurance policies.'"

"An act to amend and make additions to chapter 463 of the Laws of 1860, entitled 'An act to revise the charter of the city of Oswego,' and the acts amendatory thereof."

After some time spent therein, the President resumed the chair, and Mr. Carpenter, from said committee, reported in favor of the passage of the first and second named bills, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Carpenter, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Doolittle moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Prince the Senate then went into executive session, and after some time spent therein, the doors were opened, and the Senate resumed legislative business.

Mr. Hammond moved to take from the table the motion to reconsider the vote, by which the motion to discharge the committee of the whole from the further consideration of the bill entitled "An act authorizing the taxation of stockholders of life, fire and marine insurance companies," and that the same be ordered to a third reading, was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to reconsider the vote by which said motion was lost, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to discharge the committee of the whole, and order said bill to a third reading, and it was decided in the affirmative.

On motion of Mr. Woodin, and by unanimous consent, the bill entitled "An act regulating the amount of capital stock for fire and marine insurance companies," was ordered considered in first committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act regulating the amount of capital stock for fire and marine insurance companies."

"An act to confer upon the trustees of the village of Middletown, in the county of Orange, in this State, power to restrain and regulate the construction of wooden buildings, structures, additions or improvements, and to cause the removal or repair of unsafe walls or chimneys."

"An act to amend chapter 384 of the Laws of 1876, entitled 'An act respecting the powers of the Canal Board and the adjustment of tolls.'"

After some time spent therein, the President resumed the chair, and Mr. Selkreg, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Selkreg, from the same committee, reported in favor of the passage of the last named bill.

On motion of Mr. Cole, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Kennaday	Prince	Sprague
Carpenter	Lamont	Robertson	Vedder
Cole	Loomis	St. John	Wagner
Coleman	McCarthy	Sayre	Wagstaff
Doolittle	Moore	Schoonmaker	Wellman
Emerson	Morrissey	Selkreg	Woodin
Gerard			

25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly returned, in compliance with a resolution of the Senate, the bill entitled "An act further to amend chapter 510 of the Laws of 1869, entitled 'An act to amend an act entitled An act to amend an act entitled An act to incorporate the village of Flushing, passed April 15, 1837, and the several acts amendatory thereof, passed March 20, 1857.'"

The President put the question whether the Senate would agree to reconsider the vote by which said bill was passed, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bixby	Kennaday	Prince	Sprague
Carpenter	Lamont	Robertson	Starbuck
Cole	Loomis	St. John	Vedder
Coleman	McCarthy	Sayre	Wagner
Doolittle	Moore	Schoonmaker	Wellman
Emerson	Morrissey	Selkreg	Woodin
Gerard			

25

On motion of Mr. Prince, and by unanimous consent, said bill was amended by striking out the first section thereof, and renumbering the sections to conform.

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirm-

ative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Harris	Prince	Sprague
Carpenter	Kennaday	Robertson	Starbuck
Cole	Lamont	St. John	Wagner
Doolittle	Loomis	Sayre	Wellman
Emerson	Moore	Schoonmaker	Woodin
Gerard	Morrissey	Selkreg	

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein, as amended.

On motion of Mr. Selkreg, and by unanimous consent, the Assembly bill entitled "An act to extend the charter of the Chenango Canal Bridge Company, in the county of Broome," was ordered considered in first committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to authorize resident aliens to acquire, hold and dispose of real and personal property in like manner with citizens."

Assembly, "An act to extend the charter of the Chenango Canal Bridge Company, in the county of Broome."

"An act to provide for widening Vernon avenue, from Third street to Jackson avenue, in the first ward of Long Island City."

After some time spent therein, the President resumed the chair, and Mr. Bixby, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Bixby, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Bixby, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

On motion of Mr. St. John, and by unanimous consent, the bill entitled "An act to amend chapter 371 of the Laws of 1875, entitled 'An act to conform the charters of all savings banks, or institutions for savings, to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs,'" was ordered considered in first committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act for the relief of Abel Crook."

"An act to amend chapter 371 of the Laws of 1875, entitled 'An act to conform the charters of all savings banks or institutions for savings, to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs.'"

"An act to repeal certain acts and parts of acts."

After some time spent therein, the President resumed the chair, and Mr. Kennaday, from said committee, reported in favor of the passage of

the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Kennaday, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Kennaday, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Robertson moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Hammond, from the committee on finance, presented a minority report of said committee relative to the further prosecution of the work upon the New Capitol building; which was laid upon the table and ordered printed.

(See Doc. No. 47.)

By unanimous consent, Mr. Vedder asked and obtained leave to introduce a bill entitled "An act regulating the payment of school moneys apportioned to the several counties of the State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

On motion of Mr. Vedder the Senate adjourned.

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## FRIDAY, APRIL 6, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

The President presented a resolution of the Canal Department for a modification of the toll sheet of 1877; which was read and referred to the committee on canals.

Mr. Morrissey presented a remonstrance of property owners of the city of New York, against the building of a steam railroad on the streets of said city; which was read and referred to the committee on railroads.

Mr. Starbuck presented a petition of tax-payers of Jefferson county, for general reduction of official salaries; which was read and referred to the committee on the judiciary.

Also, a petition of tax-payers of Jefferson county, for reduction of salaries of county judge and surrogate of said county; which was read and referred to the committee on the judiciary.

Mr. Cole presented a petition of citizens of Niagara county, for the enactment of a town insurance law; which was read and referred to the committee on insurance.

Also, a petition of John S. Chase and others for reduction of the salary of county judge and surrogate of Niagara county; which was read and referred to the committee on the judiciary.

Mr. Tobey, from the committee on insurance, to which was referred the bill entitled "An act to prevent the making and publication of false

and deceptive statements in relation to the business of fire insurance," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Tobey, from the committee on insurance, to which was referred the bill entitled "An act authorizing the formation of town insurance companies," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Tobey, from the committee on insurance, to which was referred the bill entitled "An act to amend the charter of the American Popular Life Insurance Company of New York," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Wellman, from the committee on State prisons, to which was referred the Assembly bill entitled "An act in relation to the Superintendent of State Prisons and for the more efficient and economical management of said State prisons," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Emerson, from the committee on public health, to which was referred the bill entitled "An act to regulate the weights and balances used in compounding and dispensing drugs and medicines in the city of New York," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to confirm the proceedings taken by the common council of the city of Buffalo, to repair the mineral road in said city," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to confirm the proceedings taken by the common council of the city of Buffalo, to repair Abbey street, in said city," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to confirm the proceedings taken by the common council of the city of Buffalo, to repair avenue A, in said city," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act to further amend chapter 338 of the Laws of 1875, entitled 'An act to amend an act entitled An act for the relief of the surviving members of the First Regiment of New York Volunteers who served in the war with Mexico,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act further to amend chapter 776 of the Laws of 1870, entitled 'An act to amend an act entitled An act to provide for the incorporation of villages,' passed December 7, 1847, and the several acts amendatory thereof, so far as the same relate to the village of Mount Vernon, in the county of Westchester, and to declare, enlarge and define the powers and duties of the officers of said village, and to confirm and extend the powers of the corporation of said village," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which

was referred the Assembly bill entitled "An act to authorize the village of Sag Harbor, Suffolk county, to borrow money for purchasing a steam fire apparatus with the necessary appurtenances therefor, and to secure a supply of water therefor," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to organize a fire department in the village of Andes, Delaware county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend chapter 71 of the Laws of 1844, entitled 'An act to amend an act for the incorporation of the village of Oxford, and for other purposes,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act for the relief of Abel Crook."

"An act to confer upon the trustees of the village of Middletown, in the county of Orange, in this State, power to restrain and regulate the construction of wooden buildings, structures, additions or improvements, and to cause the removal or repair of unsafe walls or chimneys."

"An act regulating the amount of capital stock for fire and marine insurance companies."

"An act to provide for widening Vernon avenue, from Third street to Jackson avenue, in the first ward of Long Island City."

"An act supplementary to the charter of the city of Buffalo."

"An act to authorize resident aliens to acquire, hold and dispose of real and personal property in like manner with citizens."

"An act to amend chapter 384 of the Laws of 1876, entitled 'An act respecting the powers of the Canal Board and the adjustment of tolls.'"

"An act to amend chapter 49 of the Laws of 1876, entitled 'An act in relation to the equalization of assessments under chapter 312 of the Laws of 1859, and the amendments thereto.'"

"An act to repeal certain acts and parts of acts."

"An act to amend chapter 371 of the Laws of 1875, entitled 'An act to conform the charters of all savings banks, or institutions for savings, to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs.'"

A message was received from the Governor in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, April 5, 1877. }

*To the Senate:*

I have received from Mr. William J. Best, who was appointed by the Supreme Court, in July, 1876, receiver of the Mechanics and Traders' Savings Institution, charges against De Witt C. Ellis, Superintendent of the Bank Department, accompanied by depositions and documentary proof in support thereof.

The charges are, that the bank was insolvent in July, 1874, the deficiency being then about \$200,000; that this condition of the bank was

exposed to Mr. Ellis in September, 1874, by two of its trustees; that Mr. Ellis then personally investigated the affairs of the bank; that upon such examination he admitted the bank was insolvent; that he was frequently requested by and on behalf of the two trustees to take immediate proceedings to protect the creditors, and that he neglected to do so until June, 1876, a period of nearly two years.

In support of the charges are submitted:

1. A balance sheet (Schedule A), made out by George N. Pratt, who was at the time general book-keeper at the bank, and verified by his oath, showing a deficiency in July, 1874, of \$201,017.52.

2. The testimony of William Floyd and Ira W. Gregory, two of the trustees of the bank, contained in their depositions, that they, as a special committee appointed in July, 1874, to examine its condition, reported a deficiency of assets as compared with liabilities of \$181,505.71, and a deficiency in annual income, if the usual dividend of interest to depositors were declared, of \$15,041.70. Schedules B and C showing this condition of things, now appended to the charges, formed a part of their report. Mr. Floyd deposes further, that the trustees having, notwithstanding this report, declared the usual dividend, he, through F. P. Bellamy, his attorney, in September, 1874, laid copies of the report of himself and Mr. Gregory, accompanied by the schedules above mentioned, before Mr. Ellis and requested him to institute proceedings to protect the creditors; that, thereupon, Mr. Ellis went to New York and, in person, examined the condition of the bank; that after such examination Mr. Ellis admitted to Floyd that the report of himself and Gregory was substantially correct and that the bank was insolvent, and promised to take immediate measures to protect the depositors; that he, Floyd, frequently, between that time and June, 1876, urged Mr. Ellis to take some action in the matter, but that until the last-named date, he neglected to do so.

3. The testimony of F. P. Bellamy, attorney-at-law, of Brooklyn, contained in his deposition, to the same facts and to the same admissions to him by Mr. Ellis, after his personal examination of the condition of the bank, that it was insolvent; and that he, Bellamy, had, on behalf of the two trustees above named, frequently urged Mr. Ellis, therefore, to take action to protect the creditors and had mailed several letters to Mr. Ellis to that effect, between the time of the examination aforesaid and June, 1876, but that Mr. Ellis neglected to take any proceedings until the last date.

4. The deposition of Mr. Gregory, to the effect that he confirms all that Mr. Floyd has stated concerning the acts and doings of Mr. Floyd and himself and of Mr. Ellis.

The annual report of the Bank Department, March 5, 1875, exhibits this bank as possessing a surplus of assets over liabilities of \$67,240.08. (Assembly documents No. 108, page 148.) That of 1876 exhibits the bank with a surplus of \$9,530.13. (See Assembly documents of 1876, No. 97, page 157.)

Mr. Best alleges that at the time he was appointed receiver in July, 1876, the deficiency had reached nearly \$350,000.

Upon these charges and the proofs in support of them, which I transmit to you herewith, it becomes my duty to recommend to you, as I now do, the removal from office of De Witt C. Ellis, Superintendent of the Bank Department.

This recommendation is made as a basis of action on the part of the

Senate, and upon the assumption that the depositions annexed to the charges are true, and make out a *prima facie* case. It is due to Mr. Ellis to say that, upon my invitation, he has appeared before me and made explanations which seem to acquit him of any intentional wrong, but not, in my judgment, of culpable negligence. I submit the whole matter to the Senate for such investigation and action as it may think proper for the protection of public interests.

L. ROBINSON.

Mr. Jacobs moved that said message be laid upon the table and printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Jacobs offered the following :

*Resolved*, That the message of his Excellency the Governor be referred to the judiciary committee, with instructions to report at the earliest time practicable, the method of procedure to be had in relation thereto.

Mr. Kennaday moved to amend the resolution by striking out the words "the method of procedure to be had in relation thereto," and inserting in lieu thereof, "what disposition should be made of the matter."

The President put the question upon the amendment of Mr. Kennaday and it was decided in the affirmative.

The President then put the question upon the resolution as amended, and it was decided in the affirmative.

The Assembly returned the bill entitled "An act to authorize the trustees under the will of James Cunningham, to convey to the city of Brooklyn certain lands and hereditaments at the foot of Noble street, in said city," with a message that they had concurred in the passage of the same, with the following amendments:

Section 1, lines 15 and 16, strike out the words "the mayor, aldermen and commonalty of." Section 2, line 3, strike out the words "or otherwise." Same section, lines 13 and 14, strike out the words "mayor, aldermen and commonalty." Section 4, lines 4 and 5, strike out the words "mayor, aldermen and commonalty, their successors and assigns," and insert in lieu thereof, "city of Brooklyn."

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Schoonmaker
Bradley	Gerard	Moore	Selkreg
Carpenter	Jacobs	Morrissey	Sprague
Cole	Kennaday	Robertson	Vedder
Coleman	Lamont	St. John	Wagstaff
Doolittle	Loomis	Sayre	Wellman

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to release to Edward Kennedy and others the right, title and interest of the people of the State of New York to certain real estate in the city of New York," with a message that they had concurred in the passage of the same, with the following amendment :



Section 1, line 17, after the word "belonging," insert the words "is hereby released."

The President put the question whether the Senate would concur in said amendment, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Schoonmaker	
Bixby	Hammond	Moore	Selkreg	
Carpenter	Harris	Prince	Starbuck	
Cole	Jacobs	Robertson	Tobey	
Coleman	Kennaday	St. John	Vedder	
Doolittle	Loomis	Sayre	Wellman	24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That there be printed thirty-five hundred (3,500) copies of the annual report of the Superintendent of the Insurance Department, for the year ending December 31, 1878, bound in cloth, as follows: Fifteen hundred (1,500) copies of the Fire and Marine report, and two thousand (2,000) copies of the Life report, bound separately. Also, ten copies of each report for each Senator, member, officer and reporter of the Senate and Assembly, the whole expense thereof to be refunded to the treasury of the State by an equitable assessment, by the Comptroller, on the several insurance companies of this State, at a cost not to exceed ten cents per page per 100 copies for the printing thereof.

*Ordered*, That said resolution be referred to the committee on public printing.

Also, the following:

*Resolved* (if the Senate concur), That there be printed 1,000 extra copies of the annual report of the Trustees of the State Library, for the use of said trustees, to be bound in paper covers, and at a cost not to exceed ten cents per page per 100 copies for the printing thereof.

*Ordered*, That said resolution be referred to the committee on public printing.

Also, the following:

*Resolved* (if the Senate concur), That there be printed one thousand (1,000) extra copies of the report of the State Engineer and Surveyor on Canals, for the use of that officer; five hundred (500) copies to be bound in cloth, and five hundred (500) in paper, at a cost not to exceed ten cents per page per 100 copies for the printing thereof.

*Ordered*, That said resolution be referred to the committee on public printing.

Also, the following:

*Resolved* (if the Senate concur), That one thousand (1,000) extra copies of the Second Annual Report of the Central New York Institution for Deaf Mutes, for the use of said institution, at a cost not to exceed ten cents per page per 100 copies, be printed.

*Ordered*, That said resolution be referred to the committee on public printing.

Also, the following:

*Resolved* (if the Senate concur), That five hundred (500) extra copies of the Tenth Annual Report of the New York Institution for the

Improved Instruction of Deaf Mutes, for the use of said institution, be bound in paper at a cost for printing thereof not to exceed ten cents per page per 100 copies, be printed.

*Ordered*, That said resolution be referred to the committee on public printing.

Also, the following:

*Resolved* (if the Senate concur), That two thousand five hundred (2,500) extra copies of the Fifty-eighth Annual Report of the New York Institution for the Instruction of the Deaf and Dumb for the officers of said institution, without lithographic plates, be bound in paper, at a cost for printing thereof, not to exceed ten cents per page per 100 copies, be printed.

*Ordered*, That said resolution be referred to the committee on public printing.

Also, the following:

*Resolved*, (if the Senate concur), That two thousand five hundred (2,500) extra copies of the Twenty-third Annual Report of the Superintendent of Public Instruction, for distribution by that officer, be bound in cloth, at a cost for printing not to exceed ten cents per page per 100 copies, be printed.

*Ordered*, That said resolution be referred to the committee on public printing.

Also, the following:

*Resolved* (if the Senate concur), That there be printed twenty-four hundred copies, to be bound in cloth, of the report of the State Engineer and Surveyor on Railroads, for the year ending September 30, 1876; also, ten copies of said report for each Senator, member, officer and reporter of the Senate and Assembly, the whole expense thereof to be refunded to the treasury of the State by an equitable assessment, by the Comptroller, on the several railroad companies of this State, at a cost not to exceed ten cents per page per 100 copies.

*Ordered*, That said resolution be referred to the committee on public printing.

Also, the following:

*Resolved* (if the Senate concur), That one thousand (1,000) extra copies of the sixth annual report of the Le Conteulx St. Mary's Institution for the Improved Instruction of Deaf Mutes, for the use of said institution, at a cost not to exceed ten cents per page per 100 copies, be printed.

*Ordered*, That said resolution be referred to the committee on public printing.

The Assembly returned the following entitled Assembly bill, with a message that they had concurred in the amendments of the Senate thereto:

"An act to exempt the counties of Suffolk (except the town of Islip), Onondaga, Saratoga (except the town of Saratoga Springs), Ontario, Yates, Rensselaer, Genesee, Schenectady, Monroe, Livingston, Otsego, Schoharie, Niagara and Orleans, from the provisions and operation of chapter 180 of the Laws of 1875, entitled 'An act creating a board of town auditors in the several towns of this State, and to prescribe powers and duties,'"

*Ordered*, That the Clerk return said bill to the Assembly.

Mr. Jacobs moved that when the Senate adjourns to-day, it adjourn to meet on Monday evening at 8 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Morrissey introduced a bill entitled "An act to prevent the use of certain parts of the city of New York by steam railways," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Gerard introduced a bill entitled "An act in relation to the local government of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Gerard moved that said bill be printed, pending its consideration by the committee on the affairs of cities.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Jacobs introduced a bill entitled "An act to amend chapter 863 of the Laws of 1873, entitled 'An act to amend the charter of the city of Brooklyn and the various amendments thereof, passed June 28, 1873, and to further amend the charter of the city of Brooklyn, as amended by an act for that purpose passed June 1, 1874, and as further amended by an act for that purpose, entitled An act to amend the charter of the city of Brooklyn, being the act for that purpose, passed June 28, 1873, and the act for that purpose passed June 1, 1874, passed June 21, 1875, and the act for that purpose passed May 15, 1876,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Baaden introduced a bill entitled "An act to amend an act entitled 'An act to create in the city and county of New York the department of Public Charities and Correction, and to abolish the alms-house department therein, passed April 17, 1860,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Carpenter introduced a bill entitled "An act to secure the filing of certificates of the election of town and school officers, and to provide for the organization of boards of supervisors," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. McCarthy introduced a bill entitled "An act to authorize the trustees of the village of Skaneateles, in the county of Onondaga and State of New York, to sell certain real estate, and to raise money by tax for building an engine-house, and for other village purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Selkreg introduced a bill entitled "An act providing for the incorporation of the Tompkins County New York Patrons' Mutual Fire Relief Association," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

Mr. Emerson introduced a bill entitled "An act to amend article 2 of title 10 of chapter 8 of part 3 of the Revised Statutes, relating to summary proceedings to recover the possession of land," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. McCarthy, from the committee on literature to which was referred the Assembly bill entitled "An act to enable Clinton Liberal Institute to change its location," reported in favor of the

passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act regulating the payment of school moneys apportioned to the several counties of the State," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Sprague offered the following :

*Resolved* (if the Assembly concur), That a respectful message be sent to his Excellency the Governor, requesting the return to the Senate of Senate bill No. 102, entitled "An act to amend chapter 164 of the Laws of 1875, entitled 'An act for the relief of the grandchildren of Samuel F. Pratt, late of the city of Buffalo, deceased,'" for amendment.

On motion of Mr. Sprague, the rules were suspended in order to consider said resolution immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Robertson moved that the consideration of the special order being "An act to secure better public administration in the local government of the city of New York," be postponed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Vedder moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The bill entitled "An act supplementary to the charter of the city of Buffalo," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Bixby	Gerard	Morrissey	Starbuck
Bradley	Harris	Prince	Tobey
Cole	Jacobs	Robertson	Vedder
Coleman	Kennaday	St. John	Wagstaff
Doolittle	Lamont	Sayre	Wellman
Emerson	Moore	Selkreg	23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act regulating the amount of capital stock for fire and marine insurance companies," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Harris	Prince	Sprague
Bixby	Jacobs	Robertson	Starbuck

Bradley	Lamont	St. John	Tobey
Coleman	Loomis	Schoonmaker	Wagstaff
Doolittle	Morrissey	Selkreg	Wellman
Hammond			21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the relief of Abel Crook," was read a third a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Emerson	Prince	Sprague
Bixby	Kennaday	Robertson	Starbuck
Bradley	Lamont	St. John	Tobey
Carpenter	Loomis	Schoonmaker	Vedder
Cole	McCarthy	Selkreg	Wellman
Coleman	Morrissey		22

#### FOR THE NEGATIVE.

Gerard	1
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act authorizing the taxation of stockholders of life, fire and marine insurance companies," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Coleman	Loomis	Selkreg
Bradley	Gerard	Morrissey	Vedder
Carpenter	Hammond	Sayre	Wellman
Cole	Lamont	Schoonmaker	15

#### FOR THE NEGATIVE.

Bixby	Kennaday	Robertson	Starbuck
Doolittle	McCarthy	St. John	Tobey
Harris	Prince	Sprague	Wagstaff
Jacobs			13

Mr. Hammond moved to reconsider the vote by which said bill was lost, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to amend chapter 341 of the Laws of 1876, entitled 'An act regulating the forfeiture of life insurance policies,'" having been announced for a third reading,

On motion of Mr. Sprague, and by unanimous consent, said bill was amended as follows:

Section 1, engrossed bill, strike out all after the word "notice," in line 46, down to and including the words "provided for," in line 52, and

insert in lieu thereof the following: "Provided, however, that a notice stating when the premium will fall due, and that if not paid the policy and all payments thereon will become forfeited and void, served in the manner hereinbefore provided, at least thirty and not more than sixty days prior to the day when the premium is payable, shall have the same effect as the service of a notice hereinbefore provided for."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Lamont	Robertson	Tobey
Bradley	Loomis	St. John	Vedder
Doolittle	McCarthy	Selkreg	Wagstaff
Gerard	Morrissey	Sprague	Wellman
Hammond	Prince		

18

FOR THE NEGATIVE.

Jacobs	Schoonmaker	Starbuck	
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3

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

On motion of Mr. Loomis, and by unanimous consent, the rules were suspended, and the Senate, in open executive session, confirmed certain notaries public.

On motion of Mr. Sayre, and by unanimous consent, the Clerk was directed to transmit said confirmations to the Governor immediately.

The bill entitled "An act to amend chapter 371 of the Laws of 1875, entitled 'An act to conform the charters of all savings banks, or institutions for savings, to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs,'" was read a third time.

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Jacobs	Prince	Selkreg
Bixby	Lamont	Robertson	Tobey
Bradley	Loomis	St. John	Wagstaff
Doolittle	McCarthy	Schoonmaker	Wellman
Gerard	Morrissey		

18

FOR THE NEGATIVE.

Sprague			
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1

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act to confer upon the trustees of the village of Middletown, in the county of Orange, power to restrain and regulate the construction of wooden buildings, structures, additions or improvements, and to cause the removal or repair of unsafe walls or chimneys," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a major

ity of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Hammond	Morrissey	Sprague
Bixby	Jacobs	Prince	Starbuck
Bradley	Kennaday	Robertson	Tobey
Cole	Lamont	St. John	Wagstaff
Doolittle	Loomis	Schoonmaker	Wellman
Gerard	McCarthy	Selkreg	23

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to provide for widening Vernon avenue, from Third street to Jackson avenue, in the First ward of Long Island City," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate, voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	Schoonmaker
Bixby	Hammond	Morrissey	Sprague
Bradley	Jacobs	Prince	Tobey
Cole	Lamont	Robertson	Wagstaff
Doolittle	Loomis	St. John	Wellman
			20

*Ordered,* That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The Assembly bill entitled "An act to amend and make additions to chapter 463 of the Laws of 1860, entitled 'An act to revise the charter of the city of Oswego, and the acts amendatory thereof,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Hammond	Moore	Sprague
Bixby	Harris	Morrissey	Starbuck
Bradley	Jacobs	Robertson	Tobey
Cole	Loomis	St. John	Wagstaff
Doolittle	McCarthy	Schoonmaker	Wellman
Gerard			21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to extend the charter of the Chenango Canal Bridge Company, in the county of Broome," was read a third time.

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Schoonmaker	
Bixby	Harris	Morrissey	Starbuck	
Carpenter	Jacobs	Prince	Tobey	
Cole	Loomis	Robertson	Wagstaff	
Doolittle	McCarthy	St. John	Wellman	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Hammond offered the following :

*Resolved*, That the committee on the affairs of cities be discharged from the further consideration of the bill entitled "An act to amend chapter 387 of the Laws of 1872, entitled 'An act to supply the city of Rochester with pure and wholesome water,' so as to provide for municipal insurance for said city," and that the same be referred to the committee on insurance.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

On motion of Mr. Tobey, and by unanimous consent, the rules were suspended, and the bill entitled "An act establishing a ferry from Essex village, in the county of Essex, across Lake Champlain to the town of Charlotte, in the State of Vermont," was ordered to a third reading.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to grant to the city of Yonkers certain lands belonging to the people of the State of New York, lying below the original line of high-water mark in the Nepperhan basin, in the city of Yonkers."

"An act to repeal chapter 628 of the Laws of 1871, entitled 'An act to alter the map or plan of the city of New York by laying out a public place for a parade ground, and to authorize the taking of the same,' passed April 20, 1871."

Assembly, "An act further to amend chapter 280 of the Laws of 1852, entitled 'An act further to amend the act entitled An act authorizing the incorporation of rural cemetery associations, passed April 27, 1847.'"

After some time spent therein, the President resumed the chair, and Mr. McCarthy, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. McCarthy, from the same committee, reported progress on the second named bill, and asked and obtained leave to sit again.

Mr. McCarthy, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Robertson moved that the committee of the whole be discharged from the further consideration of the bill entitled "An act to further amend chapter 249 of the Laws of 1864, entitled 'An act to amend an act entitled An act to provide for the incorporation of villages, passed December 7, 1847, and the several acts amendatory thereof, so far as the same relates to the village of New Rochelle, in the county of Westchester,'" and that the same be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.



The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend chapter 571 of the Laws of 1866, entitled 'An act to incorporate the Brooklyn Trust Company,'"

"An act to amend chapter 90 of the Laws of 1865, entitled 'An act to amend and consolidate the several acts relating to the village of Ilion.'" "

"An act to authorize the Richmond County Storage and Business Company to reduce the number of its directors."

After some time spent therein, the President resumed the chair, and Mr. St. John, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. St. John, from the same committee, reported in favor of the passage of the second and last named bills, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend chapter 818 of the Laws of 1868, entitled 'An act to incorporate the village of Port Chester.'" "

"An act to amend chapter 178 of the Laws of 1847, entitled 'An act to provide for the distribution of the annuity due to the Onondaga Indians.'" "

"An act to legalize the incorporation of Schenevus village, Otsego county, New York, and to approve the action of the incorporation of said village under the general law of incorporation of villages, passed April 20, 1870."

After some time spent therein, the President resumed the chair, and Mr. Gerard, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Gerard, from the same committee, reported in favor of the passage of the last named bill, with amendments, and the title amended so as to read "An act to legalize the incorporation of Schenevus village, in the county of Otsego, and to approve the action of the incorporation of said village, under chapter 291 of the Laws of 1870, entitled 'An act for the incorporation of villages,'" which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act respecting the power of the Union Home and School for the education and maintenance of the children of our volunteers who are left unprovided for, to take and hold real and personal estate."

Assembly, "An act to amend chapter 435 of the Laws of 1868, entitled 'An act to incorporate the village of Hamilton, in the county of Madison, and repeal its present charter,' and to repeal chapter 250 of the Laws of 1870, chapter 18 of the Laws of 1874, and chapter 142 of the Laws of 1875."

Assembly, "An act to amend chapter 44 of the Laws of 1828, entitled 'An act relative to the common school fund of Edmeston, in the county of Otsego.'"

After some time spent therein the President resumed the chair, and Mr. Wagstaff, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Wagstaff, from the same committee, reported progress on the second named bill, and asked leave to sit again.

Mr. Doolittle moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Wagstaff, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Loomis moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend chapter 395 of the Laws of 1859, entitled 'An act in relation to the colonial history of the State, and the natural history thereof.'"

"An act to authorize the commissioners of highways of the town of Corning, in the county of Steuben, to maintain and keep in repair certain bridges and the approaches thereto, and to cause the insurance thereof against loss or damage by fire."

"An act to amend chapter 555 of the Laws of 1864, entitled 'An act to revise and consolidate the general acts relating to public instruction,' passed May 2, 1864."

After some time spent therein, the President resumed the chair, and Mr. Wellman, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to and the same ordered to a third reading.

Mr. Wellman, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Wellman, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Kennaday moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The Assembly returned the concurrent resolution requesting the Governor to return to the Senate, Senate bill No. 102, entitled "An act to amend chapter 164 of the Laws of 1875, entitled 'An act for the relief of the grandchildren of Samuel F. Pratt, late of the city of Buffalo, deceased,'" with a message that they had concurred therein.

*Ordered*, That the Clerk deliver said resolution to the Governor.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bill entitled as follows:

"An act extending the time for Maria Matilda Thompson to file her claim for damages with the Canal Appraisers."

"An act in relation to the city government of Long Island City."

"An act to enable Long Island City to refund a portion of its Newtown debt."

After some time spent therein the President resumed the chair, and Mr. Moore, from said committee, reported in favor of the passage of the first and last named bills, with amendments, which report was agreed to, the same ordered engrossed for a third reading.

Mr. Moore, from the same committee, reported progress on the second named bill, and asked leave to sit again.

Mr. Prince moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Wellman, the Senate adjourned.

## MONDAY, APRIL 9, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of Friday, April 6, was read and approved.

Mr. Harris presented a petition of Thomas Scally for the release of interest of the State in property of Thomas Smith, late of the city of Albany; which was read and referred to the committee on the judiciary.

Mr. Starbuck presented a petition of tax-payers of Rutland, Jefferson county, for the assessment and taxation of property at its money valuation; which was read and referred to the committee on finance.

Mr. Selkreg presented a petition of citizens of Elmira, for the election of Rev. O. H. Warren as Regent of the University; which was read and referred to the committee on literature.

A message was received from the Governor in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, April 9, 1877. }

*To the Senate:*

I return, without approval, Senate bill No. 95, entitled "An act to amend chapter 361 of the Laws of 1852, entitled 'An act to facilitate the dissolution of manufacturing corporations in the county of Herkimer, and to secure the payment of their debts without preference.'"

The act of 1852, to which this bill is an amendment, provides a special method by which manufacturing corporations in the county of Herkimer, organized under the provisions of the act of March 22, 1811, may be dissolved. The present bill gives the same special privilege as to dissolution, to all such corporations in Herkimer county, organized under the general laws of the State. The Revised Statutes prescribe a comprehensive method of dissolving corporations of this class, in all cases where such dissolution is either necessary or proper.

If there is any reason for repealing or modifying this general statutory regulation with relation to Herkimer county, it applies with equal force to every other county in the State. If there is no such reason, the bill is superfluous and ought not to become a law.

I am not advised of any valid argument in favor of a change in our general law on this subject. I know of no hardship or injustice resulting from its requirements nor any evil which would arise in Herkimer or any other county from its continuance as it now stands.

On the contrary, this bill seems open to every recognized objection to special legislation. It prescribes a rule for the corporations of one county entirely different from that which obtains throughout the State. If approved, it leads other localities to seek similar privileges not only in this, but in other departments of general law. Experience has taught severe lessons as to the abuse of this line of legislation. If this bill is right for Herkimer county, it is right for the State, and should be a general act. If it is wrong it ought not to be law. Fully believing that no good can result from its provisions at all commensurate with the evil likely to attend legislation so clearly special, I must decline to approve it.

L. ROBINSON.

The President put the question, "Shall this bill become a law notwithstanding the objection of the governor?"

Pending which,

Mr. Loomis moved that said message be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Selkreg, from the committee on railroads, to which was referred the bill entitled "An act to punish trespassing on railroads," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relative to the city of Schenectady,' passed April 21, 1862, and the acts amendatory thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Wellman, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to amend chapter 461 of the Laws of 1872, entitled 'An act to incorporate the St. Agnes Cemetery of Syracuse,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Wellman, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act to confirm the acts of the trustees of the Raquetteville Cemetery Association of North Potsdam, and to authorize the transfer of the remains of deceased persons buried in the grounds of such association to other grounds, and to authorize the sale and conveyance of the grounds abandoned," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Wellman, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act to amend chapter 766 of the Laws of 1868, entitled 'An act to empower Ulster Lodge No 59 of the Independent Order of Odd Fellows of the State of New York'

in the village of Saugerties and county of Ulster, to hold and convey real and personal estate and constitute the same a corporation," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend chapter 571 of the Laws of 1866, entitled 'An act to incorporate the Brooklyn Trust Company.'"

"An act to legalize the incorporation of Schenevus village, in the county of Otsego, and to approve the action of the incorporation of said village under chapter 291 of the Laws of 1870, entitled 'An act for the incorporation of villages.'"

"An act extending the time for Maria Matilda Thompson to file her claim for damages with the Canal Appraisers."

"An act to authorize the Richmond County Storage and Business Company to reduce the number of its directors."

"An act to amend chapter 178 of the Laws of 1847, entitled 'An act to provide for the distribution of the annuity due to the Onondaga Indians.'"

"An act to amend chapter 90 of the Laws of 1865, entitled 'An act to amend and consolidate the several acts relating to the village of Ilion.'"

"An act establishing a ferry from Essex village, in the county of Essex, across Lake Champlain to the town of Charlotte, in the State of Vermont."

"An act to grant to the city of Yonkers certain lands belonging to the people of the State of New York lying below the original line of high-water mark in the Nepperhan basin, in the city of Yonkers."

"An act to enable Long Island City to refund a portion of its New-town debt."

"An act to authorize the commissioners of highways of the town of Corning, in the county of Steuben, to maintain and keep in repair certain bridges and the approaches thereto, and to cause the insurance thereof against loss or damage by fire."

"An act in relation to the city government of Long Island City."

The Assembly returned the bills entitled as follows:

"An act to amend chapter 440 of the Laws of 1873, entitled "An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes.'"

"An act to release to Edward Kennedy and others, the right, title and interest of the people of the State of New York to certain real estate in the city of New York."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly sent for concurrence the bill entitled as follows:

"An act for the reduction of the salaries and compensation of certain officers and clerks in the cities of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Harris introduced a bill entitled "An act to amend the law for the assessment and collection of taxes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

Also, a bill entitled "An act to release the interest of the people of the State of New York in the real estate of which Thomas Smith, late of the city of Albany, died seized, to Thomas Scally of the city of Albany,"

which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Starbuck introduced a bill entitled "An act to provide for the appropriation of the Congress Hall buildings to the public use," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

Mr. Cole offered the following :

*Resolved*, That the Attorney-General be requested to report to the Senate within two days :

*First*. Whether the Constitution authorizes the total abrogation of any tolls which were imposed under the toll sheet of 1852.

*Second*. Whether, under the Constitution, a concurrence of the Legislature, in a reduction of tolls below the rates of 1852, can precede the action of the Canal Board.

*Third*. Whether, in conformity with the Constitution, the rates of toll can be reduced below the rates of 1852, by an affirmative vote of only four members of the Canal Board.

*Fourth*. In the event that the gross revenues of the canals, for the fiscal year ending September 30, 1877, shall fall below a sum necessary to meet the cost of collection, superintendence and ordinary repairs, by what method, if any exists, the constitutional restriction limiting the expenditures in any year to the amount of the gross revenues for the previous year, may be overcome. In other words, how can the canals be maintained and operated through the fiscal year which commences on the 1st day of October next ?

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

On motion of Mr. Wellman, and by unanimous consent, the Assembly bill entitled "An act in relation to the Superintendent of State prisons, and for the more efficient and economical management of said prisons," was ordered considered in first committee of the whole.

The Senate then resolved itself into a committee of the whole and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to repeal certain provisions of chapter 4 of the Laws of 1862, entitled 'An act to secure the better application of funds to relieve the poor in the town of Little Falls, Herkimer county,' and to make the overseer of alms of said town the overseer of the poor therein."

Assembly, "An act in relation to the Superintendent of State prisons, and for the more efficient and economical management of said prisons."

"An act in relation to the change of grades of streets and avenues in the Twenty-third and Twenty-fourth wards of the city of New York,"

After some time spent therein, the President resumed the chair, and Mr. Coleman, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Coleman, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to grant to the city of Yonkers, for highway purposes, certain land below original high-water mark in the Hudson river, and to authorize

the building of a bridge over the tracks of the New York Central and Hudson River Railroad upon such land."

"An act to amend chapter 692 of the Laws of 1866, entitled 'An act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts, and for other purposes, and supplementary thereto.'"

Assembly, "An act directing the Brooklyn Trust Company to pay over to the supervisor of the town of New Lots, certain moneys deposited with them by the commissioners for the laying out, grading and improving Atlantic avenue, in the town of New Lots, in the county of Kings."

After some time spent therein, the President resumed the chair, and Mr. Moore, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Moore, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Moore, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered to a third reading.

A message was received from the Governor in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, {  
ALBANY, *April 6, 1877.* }

*To the Senate:*

In accordance with a joint resolution of the Senate and Assembly, I return herewith, for amendment, Senate bill No. 102, entitled "An act to amend chapter 164 of the Laws of 1875, entitled 'An act for the relief of the grandchildren of Samuel F. Pratt, late of the city of Buffalo, deceased.'"

L. ROBINSON.

The President put the question whether the Senate would agree to reconsider the vote by which said bill was passed, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Selkreg
Carpenter	Hammond	Morrissey	Starbuck
Cole	Harris	Robertson	Vedder
Coleman	Jacobs	St. John	Wagner
Doolittle	Kennaday	Sayre	Wellman
Emerson	Loomis		

22

On motion of Mr. Harris, and by unanimous consent, said bill was amended as follows:

Section 1, line 52, engrossed bill, strike out the word "of," and insert the word "by."

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Selkreg
Carpenter	Hammond	Morrissey	Starbuck
Cole	Harris	Robertson	Vedder

Coleman  
Doolittle  
Emerson

Jacobs  
Kennaday  
Loomis

St. John  
Sayre

Wagner  
Wellman

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein, as amended.

By unanimous consent, Mr. Gerard offered the following:

*Whereas*, The "Commissioners of the New Capitol" were authorized to provide altered plans for completing the New Capitol; and the estimates upon the altered plans give no promise of any considerable reduction of the cost of the building, and

*Whereas*, The building, if completed according to either the old or new plans, will afford much more room than the public convenience at this time demands, and

*Whereas*, It is much more important to the people of the State, that the building should be finished with expedition and economy than with a strict compliance with the demands of extravagant architectural display, and

*Whereas*, No reliable estimates have hitherto been made as to the probable cost of finishing the building, either on the old or new plans; therefore,

*Resolved* (if the Assembly concur), That the Governor be authorized to select three persons, one of whom shall be a resident of the city of New York and another of whom shall be a resident of the city of Albany, to report forthwith upon the practicability and probable cost of completing the New Capitol in the following manner, to wit: All work above the story now under construction (being the second above the basement), to be dispensed with, and a flat roof, invisible from the street, to be put on immediately over the story now under construction; such alterations in the interior arrangements, and in the approaches and entrance as this method may render necessary, being taken into view in estimating such cost.

*Resolved* (if the Assembly concur), That the said Commissioners do report as to the feasibility and probable expense attending upon the location of said Capitol in the city of New York, and what advantages, if any, would be derived from such location, and as to what disposition should be made of the present building in process of construction, in case of such change of location.

*Resolved*, further (if the Assembly concur), That the sum of \$500 be inserted in the supply bill to defray the actual expenses of such commission.

*Ordered*, That said resolutions be laid upon the table.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bill entitled as follows:

"An act authorizing and directing the surrogate of Cattaraugus county, to distribute to the collateral next of kin of Daniel W. Smith, his legacy under the last will and testament of his father, Russell Smith, deceased."

Assembly, "An act to amend section 23 of chapter 10 of the Laws of 1859, entitled 'An act to amend an act entitled An act to revise, amend and consolidate the several acts relating to the village of Whitesborough,' passed February 12, 1859, as amended by chapter 304 of the Laws of 1878."



Assembly, "An act to amend chapter 224, Laws of 1872, entitled 'An act to amend an act entitled An act to consolidate and amend the several acts relating to the village of Watkins, and to enlarge the powers of the corporation of said village,' passed April 3, 1861, passed April 12, 1872."

After some time spent therein the President resumed the chair, and Mr. Selkreg, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Selkreg, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to legalize the acts of Charles C. Wakeley as notary public."

Assembly, "An act to amend chapter 335 of the Laws of 1871, entitled 'An act to authorize the appointment of a person to be public administrator in the county of Kings, and to determine the powers and duties of such officer.'"

Assembly, "An act to legalize the acts of Roselle W. Higgins as notary public of Jefferson county."

After some time spent therein, the President resumed the chair, and Mr. St. John, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend chapter 370 of the Laws of 1873, entitled 'An act to revise and amend an act entitled An act to incorporate the village of Port Jervis, passed March 30, 1866, and all acts relating thereto,' passed May 1, 1873."

"An act to authorize the Ogdensburgh and Lake Champlain Railroad Company to issue preferred stock."

"An act to release the interest of the people of the State of New York in certain real estate in the city of Utica and town of New Hartford, county of Oneida, to Mary Nock."

After some time spent therein, the President resumed the chair, and Mr. Loomis, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Loomis, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Loomis, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend chapter 388 of the Laws of 1876, entitled 'An act to enlarge the powers of the Canal Board.'"

"An act to further amend chapter 150 of the Laws of 1872, entitled 'An act to incorporate the city of Kingston.'"

"An act to amend chapter 675 of the Laws of 1872, entitled 'An act in relation to elections in the city and county of New York and to provide for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage thereat,' and the act or acts amendatory thereof or supplementary thereto."

After some time spent therein, the President resumed the chair, and Mr. Doolittle, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Doolittle, from the same committee, reported progress on the second named bill, and asked leave to sit again.

Mr. Robertson moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Doolittle, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Bixby moved that the committee of the whole be discharged from the further consideration of said bill and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Loomis, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act to enable Clinton Liberal Institute to change its location," was ordered to a third reading.

On motion of Mr. Jacobs, the Senate adjourned.

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## TUESDAY, APRIL 10, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

The President presented a resolution and memorial of the common council of the city of New York, relative to the equalization of the State tax among the several counties of the State; which was read and referred to the committee on the affairs of cities.

Mr. McCarthy presented a petition of J. D. Huntington, bishop of the diocese of Central New York, and others for the election of Rev. O. H. Warren as Regent of the University; which was read and referred to the committee on literature.

By unanimous consent, Mr. Morrissey asked and obtained leave to introduce a bill entitled "An act to amend chapter 312 of the Laws of 1859, entitled 'An act to equalize the State tax among the several counties of this State,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Robertson, from the committee on the judiciary, to which was

referred the Assembly bill entitled "An act to confirm the title of certain lands conveyed to Josefa M. Mora, an alien," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Wellman, from the committee on militia, to which was referred the Assembly bill entitled "An act supplementary to chapter 273 of the Laws of 1866, entitled 'An act authorizing the incorporation of associations to erect monuments to perpetuate the memory of soldiers who fell in defense of the Union,' passed March 30, 1866," reported in favor of the passage of the same and said bill was committed to the committee of the whole.

Mr. Wellman, from the committee on militia, to which was referred the Assembly bill entitled "An act to incorporate the Veteran Guard of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend chapter 692 of the laws of 1866, entitled 'An act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts, and for other purposes,' and supplementary thereto."

"An act authorizing and directing the surrogate of Cattaraugus county to distribute to the collateral next of kin of Daniel W. Smith, his legacy under the last will and testament of his father, Russel Smith, deceased."

"An act to amend chapter 818 of the Laws of 1868, entitled 'An act to incorporate the village of Port Chester.'"

"An act in relation to the change of grades of streets and avenues in the Twenty-third and Twenty-fourth wards of the city of New York."

"An act authorizing the supervisor of the town of Newtown, Queens county, to issue and exchange certain bonds."

Mr. Robertson introduced a bill entitled "An act to amend chapter 432 of the Laws of 1876, entitled 'An act to provide for a further supply of pure and wholesome water for the Twenty-third and Twenty-fourth wards of the city of New York,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Moore introduced a bill entitled "An act to amend chapter 400 of the Laws of 1872, entitled 'An act to incorporate the Oswegatchie Bridge Company,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

Mr. Robertson moved that the consideration of the special orders being Senate bill No. 241, entitled 'An act supplemental to chapter 375 of the Laws of 1873, entitled 'An act to re-organize the local government of the city of New York ;' " also, a concurrent resolution proposing an amendment to the Constitution, to be known as article 17 thereof; also, a concurrent resolution proposing an amendment to article 3 of the Constitution; also, a concurrent resolution proposing an amendment to article 2 of the Constitution, be postponed for half an hour.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to grant to the city of Yonkers, for highway purposes, certain land below original high water-mark in the Hudson river, and to authorize the building of a bridge over the tracks of the

New York Central and Hudson River Railroad upon such land," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	St John
Carpenter	Hammond	Moore	Selkreg
Cole	Harris	Morrissey	Starbuck
Coleman	Jacobs	Prince	Wagner
Doolittle	Kennaday	Robertson	Wellman
Emerson	Loomis		

22

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 178 of the Laws of 1847, entitled 'An act to provide for the distribution of the annuity due to the Onondaga Indians,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Selkreg
Carpenter	Hammond	Moore	Starbuck
Cole	Harris	Morrissey	Wagner
Coleman	Jacobs	Robertson	Wagstaff
Doolittle	Kennaday	St. John	Wellman
Emerson	Loomis		

22

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act authorizing and directing the surrogate of Cattaraugus county to distribute to the collateral next of kin of Daniel W. Smith, his legacy under the last will and testament of his father Russell Smith, deceased," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Starbuck
Carpenter	Harris	Morrissey	Tobey
Cole	Jacobs	Robertson	Wagner
Coleman	Kennaday	St. John	Wagstaff
Doolittle	Loomis	Selkreg	Wellman
Emerson	McCarthy		

22

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the Richmond County Storage and Business Company to reduce the number of its directors," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Starbuck
Carpenter	Harris	Moore	Tobey
Cole	Jacobs	Robertson	Wagner
Coleman	Kennaday	St. John	Wagstaff
Doolittle	Loomis	Selkreg	Wellman
Emerson			

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to the city government of Long Island City," having been announced for a third reading,

On motion of Mr. Prince, and by unanimous consent, said bill was amended as follows :

Insert as section 10 the following :

§ 10. The owners of three-fourths in lineal feet, of all the lands fronting on the several streets, avenues and public places laid down on the commissioners' map of Long Island City, within the limits of the district bounded and described in the petition hereinafter mentioned, may petition the mayor, the commissioner of public works and the city treasurer of said city, to alter or amend the grades of the streets, avenues or public places within such district. The said mayor, commissioner of public works and treasurer, or a majority of them, shall thereupon cause notice to be given, by publication, at least once a week for three weeks, in one or more newspapers, published in said city, of the time at which, and place where they will act on such petition, specifying in such notice the boundaries of such district. At the time and place designated in such notice, or at any time and place to which the hearing may be adjourned, the said mayor, commissioner of public works and treasurer, or a majority of them, shall hear all persons desiring to be heard for or against such proposed alteration or amendment, and they shall cause all such surveys, maps, profiles and drawings to be made as they shall deem necessary, and shall have the same at such hearing for the inspection of any person interested in the proposed change of grade. In case said officers, or a majority of them, shall, after such hearing, decide to make such alteration or amendment, they shall conform such altered and amended grades, at the boundaries of said district, to the established grade surrounding said district, and shall make a certificate of such alteration or amendment, and shall cause a map or plan, showing the altered or amended grades that shall be established by them for any such streets, avenues or public places, or for any such parts or sections thereof, respectively, as shall be inside of said district, to be made and accompanied by such notes and explanatory remarks as the nature of the case may require ; which map and accompanying notes shall be attested by the mayor, the commissioner of public works and treasurer, or a majority of them, and shall be filed in the office of the city clerk of Long Island City. From and after such filing the altered or amended grades as established, laid down and shown on said maps, shall be the grades of such streets, avenues or public places, or of such parts or sections thereof, respectively, with the same force and effect in all respects as

though such altered or amended grades had been adopted, laid down and shown by the commissioners of streets, roads, avenues and parks of Long Island City, on the grade-maps made and filed by them under and pursuant to the provisions of chapter 765 of the Laws of 1871, entitled "An act to provide for the laying out of streets, avenues, roads and parks in Long Island City," and the several acts amendatory thereof.

Change numbers of following sections to conform.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	St. John	
Cole	Harris	Moore	Selkreg	
Coleman	Jacobs	Morrissey	Tobey	
Doolittle	Kennaday	Prince	Wagner	
Emerson	Loomis	Robertson	Wellman	20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act in relation to the Superintendent of State Prisons, and for the more efficient and economical management of said prisons," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Harris	Morrissey	Starbuck	
Carpenter	Kennaday	Prince	Tobey	
Coleman	Loomis	Robertson	Wagner	
Doolittle	McCarthy	St. John	Wagstaff	
Emerson	Moore	Selkreg	Wellman	
Gerard				21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act directing the Brooklyn Trust Company to pay over to the supervisor of the town of New Lots, certain moneys deposited with them by the commissioners for the laying out, grading and improving Atlantic avenue, in the town of New Lots, in the county of Kings," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Selkreg
Carpenter	Harris	Moore	Starbuck
Coleman	Jacobs	Morrissey	Tobey

Doolittle	Kennaday	Robertson	Wagner	
Emerson	Loomis	St. John	Wellman	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to legalize the incorporation of Schenevus village, in the county of Otsego, New York, and to approve the action of the incorporation of said village, under chapter 291 of the Laws of 1870, entitled 'An act for the incorporation of villages,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Jacobs	Morrissey	Selkreg	
Carpenter	Kennaday	Prince	Tobey	
Coleman	Loomis	Robertson	Wagner	
Doolittle	McCarthy	St. John	Wagstaff	
Emerson	Moore	Sayre	Wellman	
Harris				21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 90 of the Laws of 1865, entitled 'An act to amend and consolidate the several acts relating to the village of Ilion,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Selkreg	
Carpenter	Harris	Morrissey	Tobey	
Cole	Jacobs	Robertson	Wagner	
Coleman	Kennaday	St. John	Wagstaff	
Doolittle	Loomis	Sayre	Wellman	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to enable Clinton Liberal Institute to change its location," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Harris	Moore	Selkreg	
Carpenter	Jacobs	Morrissey	Tobey	
Coleman	Kennaday	Robertson	Wagner	
Doolittle	Loomis	St. John	Wagstaff	
Emerson	McCarthy	Sayre	Wellman	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act establishing a ferry from Essex village, in the county of Essex, across Lake Champlain to the town of Charlotte, in the State of Vermont," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Harris	Morrissey	Starbuck
Carpenter	Jacobs	Robertson	Tobey
Cole	Kennaday	St. John	Wagner
Coleman	Loomis	Sayre	Wagataff
Doolittle	McCarthy	Selkreg	Wellman
Gerard			

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Loomis, from the committee on public printing, to which was referred the Assembly resolution to print extra copies of the Twenty-third Annual Report of the Superintendent of Public Instruction, reported in favor of the adoption of the following resolution:

*Resolved* (if the Senate concur), That 2,500 extra copies of the Twenty-third Annual Report of the Superintendent of Public Instruction, for distribution by that officer, to be bound in cloth, at a cost for printing not to exceed ten cents per page per 100 copies, be printed.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Morrissey	Selkreg
Carpenter	Kennaday	Robertson	Tobey
Coleman	Loomis	St. John	Wagner
Doolittle	McCarthy	Sayre	Wellman
Emerson	Moore		

18

*Ordered*, That the Clerk return said resolution to the Assembly with a message informing that the Senate have concurred in the passage of the same.

Mr. Wagner, from the committee on public printing, to which was referred the Assembly resolution to print extra copies of the report of the State Engineer and Surveyor on Railroads, reported in favor of the adoption of the following resolution:

*Resolved* (if the Senate concur), That there be printed twenty-four hundred copies, to be bound in cloth, of the report of the State Engineer and Surveyor on Railroads, for the year ending September 30, 1876; also, ten copies of said report for each Senator, member, officer and reporter of the Senate and Assembly, the whole expense thereof to be refunded to the treasury of the State by an equitable assessment, by the Comptroller, on the several railroad companies of this State, at a cost not to exceed ten cents per page per 100 copies.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows;

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Selkreg
Carpenter	Harris	Morrissey	Tobey



Coleman	Jacobs	Robertson	Wagner	
Doolittle	Kennaday	St. John	Wellman	
Emerson	Loomis	Sayre		19

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Wagner, from the committee on public printing, to which was referred the Assembly resolution to print extra copies of the annual report of the Superintendent of the Insurance Department, reported in favor of the adoption of the following resolution :

*Resolved* (if the Senate concur), That there be printed thirty-five hundred (3,500) copies of the annual report of the Superintendent of the Insurance Department, for the year ending December 31, 1876, bound in cloth, as follows: Fifteen hundred (1,500) copies of the Fire and Marine report, and two thousand (2,000) copies of the Life report, bound separately. Also, ten copies of each report for each Senator, member, officer and reporter of the Senate and Assembly, the whole expense thereof to be refunded to the treasury of the State by an equitable assessment, by the Comptroller, on the several insurance companies of this State, at a cost not to exceed ten cents per page per 100 copies for the printing thereof.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Selkreg	
Carpenter	Harris	Morrissey	Tobey	
Coleman	Kennaday	Robertson	Wagner	
Doolittle	Loomis	St. John	Wagstaff	
Emerson	McCarthy	Schoonmaker	Wellman	20

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Doolittle, from the committee on public printing, to which was referred the Assembly resolution to print extra copies of the report of the State Engineer and Surveyor on Canals, reported in favor of the adoption of the following resolution :

*Resolved* (if the Senate concur), That there be printed one thousand (1,000) extra copies of the report of the State Engineer and Surveyor on Canals, for the use of that officer ; five hundred (500) copies to be bound in cloth, and five hundred (500) in paper, at a cost not to exceed ten cents per page per 100 copies for the printing thereof.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Sayre	
Carpenter	Harris	Moore	Selkreg	
Coleman	Jacobs	Morrissey	Wagner	
Doolittle	Kennaday	Robertson	Wagstaff	
Emerson	Loomis	St. John	Wellman	20

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Robertson, from the committee on the judiciary, to which was referred the concurrent resolution proposing an amendment to the Constitution, to be known as article 17 thereof, reported in favor of the passage of the same, and said resolution was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the concurrent resolution proposing an amendment to article 2 of the Constitution, reported in favor of the passage of the same, and said resolution was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the concurrent resolution proposing an amendment to article 3 of the Constitution, reported in favor of the passage of the same, and said resolution was committed to the committee of the whole.

The Senate then proceeded to the consideration of the special orders, being the concurrent resolutions and bill entitled as follows:

"Concurrent resolution proposing an amendment to the Constitution, to be known as article 17 thereof."

"Concurrent resolution proposing an amendment to article 3 of the Constitution."

"Concurrent resolution proposing an amendment to article 2 of the Constitution."

"An act supplemental to chapter 375 of the Laws of 1873, entitled 'An act to re-organize the local government of the city of New York.'"

On motion of Mr. Woodin, and by unanimous consent, the committee of the whole was discharged from the further consideration of the concurrent resolution in the words following:

*Resolved* (if the Assembly concur), That section 1 of article 2 of the Constitution, be amended so as to read as follows:

§ 1. Every male citizen of the age of twenty-one years, who shall have been a citizen for ten days, and an inhabitant of this State one year next preceding an election, and for the last four months a resident of the election district in which he may offer his vote, shall be entitled to vote at such election in the district of which he shall at the time be a resident, and not elsewhere, for all officers that now are, or hereafter may be, elective by the people, and upon all questions which may be submitted to the vote of the people; but the Legislature may provide that elections for members of city boards shall be so regulated as to give to minorities a proportionate share of representation therein. Provided, that in time of war, no elector in the actual military service of the State or of the United States, in the army and navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the Legislature shall have power to provide the manner in which, and the time and place at which, such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside.

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature, to be chosen at the next general election of Senators, and that in conformity to section 1 of article 13 of the Constitution, it be published for three months previous to the time of such election.

The Senate then proceeded to the consideration of the same.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Harris	Prince	Tobey
Bixby	Jacobs	Robertson	Vedder
Carpenter	Kennaday	St. John	Wagner
Cole	Lamont	Sayre	Wagstaff
Coleman	McCarthy	Selkreg	Wellman
Doolittle	Morrissey	Starbuck	Woodin
Gerard			

25

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

On motion of Mr. Woodin, and by unanimous consent, the committee of the whole was discharged from the consideration of the concurrent resolution in the words following:

*Resolved* (if the Assembly concur), That section 22 of article 3 of the Constitution be amended so as to read as follows:

§ 22. There shall be in the several counties, except in cities whose boundaries are the same as those of the county, a board of supervisors to be composed of such members and elected in such manner and for such period as is or may be provided by law. In any such city the duties and powers of a board of supervisors may be devolved upon the board of aldermen thereof, except such duties and powers as involve the making of contracts, procuring supplies, or creating, auditing or allowing county charges, all of which duties and powers, whether now existing, or hereafter to be created, shall be exercised and performed exclusively by the board of finance.

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature, to be chosen at the next general election of Senators, and that, in conformity to section 1 of article 13 of the Constitution, it be published for three months previous to the time of such election.

The Senate then proceeded to the consideration of the same.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Tobey
Bixby	Harris	Prince	Vedder
Carpenter	Jacobs	Robertson	Wagner
Cole	Kennaday	St. John	Wagstaff
Coleman	Lamont	Sayre	Wellman
Doolittle	McCarthy	Selkreg	Woodin
Emerson	Moore		

26

## FOR THE NEGATIVE.

Starbuck

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

On motion of Mr. Woodin, and by unanimous consent, the committee of the whole was discharged from the consideration of the concurrent resolution, in the words following:

*Resolved* (if the Assembly concur), That the Constitution be amended by adding thereto a new article, to be known as article XVII, and to read as follows:

## ARTICLE XVII.

SECTION 1. The power of the Legislature to provide for the organization and government of cities, shall be exercised in accordance with the provisions, and subject to the limitations and restrictions hereinafter contained, and the powers and franchises of every existing city government must be exercised in conformity therewith. The Legislature shall, at its first session after the adoption of this article, provide by law for carrying into effect all the provisions contained therein.

§ 2. City elections shall be held separately from the State and national elections, and in March or April.

§ 3. The legislative power conferred on any city shall be vested in a board of aldermen, to be elected by the electors qualified under article second of the Constitution, which shall be the common council of said city; but no power hereinafter vested in the board of finance shall be conferred on or exercised by the board of aldermen. In case of a veto of any legislative act of the board of aldermen by the mayor, the board shall have power to pass the same, notwithstanding the mayor's veto, by a recorded vote of two-thirds of all the members elected, provided that such vote be taken at the next meeting of the board after the communication of the veto.

§ 4. The executive power of every city shall be vested in the mayor, and in such executive officers and departments as may be created by law. The mayor shall be the chief executive officer of the city, and he shall see to the faithful performance of their duties by the several executive officers and departments thereof. He shall be elected by electors qualified under article second of the Constitution, for such term, and he shall receive such compensation as the Legislature may prescribe. He shall nominate and, with the consent of the board of finance, appoint the chief officer or head of the financial department, and the chief law officer or head of the law department; and he shall have power to appoint the head or chief officers of the other executive departments. With the written approval of the Governor, the mayor may remove the head or chief officers of any executive department. He shall have power to investigate their accounts and proceedings; have access to all books and documents in their offices, and may examine them and their subordinates under oath, as to all matters relating to the performance of their official duties. He shall also have power to veto any legislative act of the board of aldermen. The mayor may be removed by the Governor for cause, as in the case of sheriffs; and in case of such removal, the Governor shall appoint a mayor to fill the vacancy, who shall hold office until the next succeeding city election, at which election a mayor shall be elected for the full term of the office. - The Legislature shall provide for the filling of a vacancy in the office of mayor, otherwise occurring, until the next succeeding city election, and also for the discharge of the duties of the mayor during his temporary absence or disability. Heads of departments shall have power to appoint and remove their subordinate officers and employes, but the Legislature may regulate by law the qualifications for such appointments, and the conditions of such removals.

§ 5. There shall be elected in every city of this State a board of finance, to consist of not less than six, nor more than fifteen members. In cities having a population, according to the State census next preceding the election, of over 100,000 inhabitants, the board of finance

shall be elected by the electors of the city (otherwise qualified under article second of the Constitution), who shall, for two years next preceding the election, have paid an annual tax on property owned by them, and officially assessed for taxation in such city, of the assessed value of not less than \$500, or shall have actually paid during the same period a yearly rent for premises in said city occupied by them for purposes of residence or lawful business, of not less than \$250. In cities having a population according to the State census next preceding the election of not more than 100,000 inhabitants, the board of finance shall be elected by the electors of the city (otherwise qualified under article second of the Constitution), who shall, for two years next preceding the election, have paid an annual tax on property owned by them and officially assessed for taxation in such city, or shall have actually paid during the same period a yearly rent for premises in said city occupied by them for purposes of residence or lawful business of not less than \$100. In cities having a population, according to the State census next preceding the election, of not more than 25,000 inhabitants, the board shall consist of six members. In cities having a population of over 25,000 inhabitants, and not more than 50,000, it shall consist of nine members. In cities having a population of over 50,000 inhabitants, and not more than 100,000, it shall consist of twelve members; and in cities having a population of over 100,000 inhabitants, it shall consist of fifteen members. At the first election one-third of the board shall be elected for a term of one year, one-third thereof for a term of two years, and one-third thereof for a term of three years; and thereafter the term of office shall be three years. The existence of any vacancy in the board shall not of itself suspend the exercise of its powers and duties. The Legislature shall, at its first session after the adoption of this article, and thereafter, from time to time, as may be necessary, provide by general law for the registration, in every city, of electors qualified to vote for the board of finance, and for filling vacancies in said board, and may change the number of members of which the said board shall consist in any city, provided that the number shall not, in any case, be less than six, and that one-third of the board shall be elected annually.

§ 6. The board of finance shall, in every fiscal year, make estimates of the sums of money necessary for the proper administration of the city government during the next fiscal year, and which are to be raised by taxation or supplied by the revenue of the city derivable from other sources and applicable to general purposes. Such estimates shall include the sums requisite for the payment of the interest on bonds or other city debts drawing interest, the principal of any debts payable during the year, judgments against the city, the sums sufficient to make good all deficiencies in the payment of taxes on personal estate for the last preceding year, and any deficiencies in the collection of taxes on real estate for any preceding year which may be found by the board to be uncollectible, and also any deficiencies in the collection of the estimated revenues from other sources, and all other sums required by law to be raised by taxation. The estimates shall also separately state the aggregate amount of moneys in the treasury or receivable during the next fiscal year, applicable to general purposes, in which may be included any prior unexpended appropriations which, in the judgment of the board, may not be required to meet existing liabilities; and shall, in like manner, separately state the aggregate amount to be raised by taxation. The board shall submit the estimates, when completed, to the mayor, who

shall, within ten days thereafter, return the same to the board, with his approval, or with his objection, if any he have, in writing, specifying the items objected to; and the items thus objected to, but no others, shall be reconsidered and finally determined by the board. The board shall, after the return of the estimates by the mayor, and the action of the board upon the items objected to, if any, or in the event of a failure of the mayor to return the same as above required, proceed, by resolution, to declare the estimates to be final and adopted, and the several sums of money therein estimated as necessary, shall become and be appropriated to and for the departments and officers therein mentioned, and for the objects and purposes therein mentioned. The aggregate amount to be raised by taxation shall be stated in such resolution, and shall thereupon be levied and collected in the manner provided by law for the levying and collecting of the city taxes. The board of finance may, during any current fiscal year, by a unanimous vote and with the approval of the mayor, in case of pestilence, conflagration or other unforeseen public calamity, transfer sums of money appropriated to one department, object or purpose, and not required to satisfy existing liabilities, to another department, object or purpose. A vote of a majority of the entire board shall be necessary to the passage of any measure or resolution; and a vote of two-thirds of the entire board shall be necessary to the adoption of the estimates hereinbefore provided for, or any item thereof, or to authorize the issue of any stock or bonds, and in such other cases as are hereinafter specified. It shall be the duty of the several departments, boards and officers, and the common council, to furnish all such statements and accounts as the board of finance may require, and at such times and in such manner as the said board may prescribe; and the board of finance shall also have power to examine the books and papers of the several executive departments and officers, and to examine such officers upon oath, concerning their official business.

§ 7. No debt or liability shall be incurred by any department, board or any officer in any city, unless there shall be at the time an unexpended appropriation applicable thereto sufficient to satisfy the same and all debts and liabilities previously incurred and payable out of such appropriation; and all contracts and engagements in contravention hereof shall be void. Nor shall any debt or liability of the city be paid, except out of money in the treasury appropriated to the purpose of paying such debt or liability. No city government, or any department thereof, shall grant any extra compensation to any officer, servant, agent, contractor or employee.

§ 8. The Legislature shall itself have no power to pass any law for the opening, making, paving, lighting or otherwise improving or maintaining streets, avenues, parks or places, docks or wharves, or for any other local work or improvement in or for a city, but all authority necessary for such purposes shall be by law conferred on the city government; nor shall the Legislature impose any charge on any city or civil division of the State containing a city, except by a vote of two-thirds of all the members elected to each house. Any local work or improvement, in or for a city, the cost of which is to be wholly paid by the city at large, must be authorized by resolution, passed by the vote of two-thirds of all the members elected to the board of aldermen and board of finance, respectively. Any such work or improvement, the cost of which is to be wholly paid otherwise than by the city at large, must be authorized by the vote of two-thirds of all the members elected to the board of aldermen, with the consent of a majority in interest, to be ascertained

in such manner as the Legislature may prescribe, of all the owners of land within the district of assessment limited for the cost of such work or improvement. Any such work or improvement, the cost of which is to be paid in part by the city at large, and in part by local assessment, must be authorized by a resolution passed by the vote of two-thirds of all the members elected to the board of aldermen and board of finance, respectively, with the consent of a majority in interest, to be ascertained as hereinbefore directed, of all the owners of the land within the prescribed district of assessment.

§ 9. No money shall be borrowed by any city government for the purpose of defraying any of the expenses of the city for which an appropriation has been made, except in anticipation of the revenue of the year in which the same may be borrowed, applicable to such purposes; and all moneys so borrowed must be paid out of such revenue, or out of revenues specially provided to supply any deficiency in the collection thereof; provided, however, that temporary loans, in anticipation of taxes, may be renewed, so far as such taxes may not have been collected, when the same are, in the opinion of the board, fully secured by valid liens on real estate. No city shall borrow any money for any other purpose, except under and in accordance with the following conditions and limitations, in addition to any other conditions and limitations contained in the Constitution:

1. The debt must be for some single work or object only, and must be authorized by a resolution passed by a vote of two-thirds of all the members of the board of finance, and approved by the mayor, distinctly specifying such work or object, and the amount of the debt to be incurred.

2. The Legislature must, before the creation of such a debt, assent thereto by a law passed by a vote of two-thirds of all the members elected to each house. Such law shall also distinctly specify the single work or object for which the debt is created, and the amount of the debt authorized, and shall contain provisions for a sinking fund to meet the same at maturity, and requiring at least ten per cent of the principal to be annually raised by taxation and paid into the sinking fund.

§ 10. Except as prescribed by the first section of this article, no change in the organization of, or in the distribution of powers in, a city government, or in the terms or tenure of office therein, shall be made by the Legislature, unless by an act passed upon the application of the city, made by resolution both of the board of aldermen and of the board of finance, respectively, approved by the mayor, or by an act which shall have received the sanction of two successive Legislatures.

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that, in conformity to section 1 of article 13 of the Constitution, it be published for three months previous to the time of such election.

The Senate then proceeded to the consideration of the same.

Mr. Jacobs moved to amend the resolution by striking from section 4 the words "(otherwise qualified under article second of the Constitution), who shall, for two years next preceding the election, have paid an annual tax on property owned by them, and officially assessed for taxation in such city, of the assessed value of not less five hundred dollars, or shall have actually paid during the same period a yearly rent for premises in said city, occupied by them for purposes of residence or lawful business, of not less than two hundred and fifty dollars. In cities

having a population, according to the State census next preceding the election, of not more than one hundred thousand inhabitants, the board of finance shall be elected by the electors of the city (otherwise qualified under article second of the Constitution), who shall, for two years next preceding the election, have paid an annual tax on property owned by them and officially assessed for taxation in such city, or shall have actually paid, during the same period a yearly rent, for premises in said city occupied by them for purposes of residence or lawful business, of not less than one hundred dollars," and also the words, in same section, "the registration in every city of electors qualified to vote for the board of finance, and for."

Pending which,

Mr. Jacobs moved that the further consideration of said resolution be postponed until to-morrow at twelve o'clock, M.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Bixby	Hammond	Loomis	Starbuck	
Emerson	Jacobs	St. John	Wagstaff	
Gerard	Kennaday			10

FOR THE NEGATIVE.

Baaden	Harris	Prince	Tobey	
Carpenter	McCarthy	Robertson	Vedder	
Cole	Moore	Sayre	Wellman	
Coleman	Morrissey	Selkreg	Woodin	
Doolittle				17

The President then put the question on the amendment of Mr. Jacobs, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Bixby	Jacobs	Loomis	Starbuck	
Gerard	Kennaday	Morrissey	Wagstaff	
Hammond	Lamont	St. John		11

FOR THE NEGATIVE.

Baaden	Emerson	Robertson	Vedder	
Carpenter	Harris	Sayre	Wagner	
Cole	McCarthy	Selkreg	Wellman	
Coleman	Moore	Tobey	Woodin	
Doolittle	Prince			18

Mr. Prince moved to amend the resolution by inserting after the word "or," in line 63, the word "who."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Emerson moved to amend said resolution by striking out all after the word "city," in line 52, printed resolution, down to and including the word "dollars," in line 58. Also, strike out all after the word "city," in line 63, down to and including the word "dollars," in line 66.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Emerson	Moore	Sayre	Starbuck	4
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## FOR THE NEGATIVE.

Bixby	Hammond	McCarthy	Selkreg	20
Carpenter	Harris	Morrissey	Tobey	
Coleman	Jacobs	Prince	Vedder	
Doolittle	Kennaday	Robertson	Wellman	
Gerard	Lamont	St. John	Woodin	

Mr. Jacobs moved to amend said resolution by inserting after the word "dollars," in line 58, printed resolution, the words "or the same amount for lodging."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Starbuck moved to amend said resolution by inserting after the words "majority in," in line 152, printed resolution, the words "number and."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Emerson	Lamont	Moore	Sayre	8
Hammond	McCarthy	St. John	Starbuck	

## FOR THE NEGATIVE.

Coleman	Kennaday	Selkreg	Wagstaff	14
Doolittle	Morrissey	Tobey	Wellman	
Gerard	Prince	Vedder	Woodin	
Harris	Robertson			

Mr. Starbuck moved to amend said resolution by adding at the end of the second section, the words "except in cities having less than one hundred thousand inhabitants."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Gerard	Moore	St. John	Starbuck	4
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## FOR THE NEGATIVE.

Carpenter	Kennaday	Robertson	Vedder	17
Coleman	McCarthy	Sayre	Wagstaff	
Doolittle	Morrissey	Selkreg	Wellman	
Harris	Prince	Tobey	Woodin	
Jacobs				

Mr. Starbuck moved to amend the resolution by inserting after the word "aldermen," in line 17, printed resolution, the words "and no powers shall be vested or conferred upon the board of finance beyond the powers conferred by this article."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follow:

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Moore	Sayre	15
Coleman	Jacobs	Morrissey	Starbuck	
Emerson	Kennaday	Prince	Wagstaff	
Gerard	Lamont	St. John		

## FOR THE NEGATIVE.

Baaden	Doolittle	Robertson	Vedder
Carpenter	Harris	Selkreg	Wellman
Cole	McCarthy	Tobey	Woodin

12

Mr. Woodin moved to reconsider the vote by which said amendment was adopted.

Pending which,

Mr. Jacobs moved that the Senate take a recess until half-past seven o'clock this evening.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question upon the motion of Mr. Woodin, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Harris	Robertson	Vedder
Cole	Kennaday	Sayre	Wagstaff
Coleman	McCarthy	Selkreg	Wellman
Doolittle	Moore	Tobey	Woodin
Gerard	Prince		

18

## FOR THE NEGATIVE.

Starbuck			
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1

Mr. Starbuck modified his amendment so as to read "and no powers shall be vested or conferred upon the board of finance beyond the powers conferred by this article and by section 22, herewith submitted."

The President put the question upon the amendment of Mr. Starbuck, as modified, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Gerard	Morrissey	Starbuck	Wagstaff
Jacobs			

5

## FOR THE NEGATIVE.

Bixby	Doolittle	McCarthy	Tobey
Carpenter	Emerson	Robertson	Vedder
Cole	Harris	Sayre	Wellman
Coleman	Kennaday	Selkreg	Woodin

16

Mr. Prince moved that said resolution be recommitted to the committee on the affairs of cities, with instructions to report the same at the next session of the Senate, as two resolutions.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Kennaday	Prince	Starbuck
Bixby	Morrissey	St. John	Wagstaff
Jacobs			

9

## FOR THE NEGATIVE.

Carpenter	Gerard	Robertson	Vedder
Cole	Harris	Sayre	Wellman
Coleman	McCarthy	Selkreg	Woodin
Doolittle	Moore	Tobey	

15

Mr. Jacobs moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Kennaday moved to amend by striking out, in section 10, lines 189 and 190, the words "or by an act which shall have received the sanction of two successive legislatures."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Kennaday moved to amend said resolution by inserting in section 5, line 49, after the word "members," the following "who shall possess the qualifications hereinafter prescribed for election for members of said board."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Vedder
Bixby	Jacobs	St. John	Wagstaff
Coleman	Kennaday	Sayre	Woodin
Emerson	Moore		

14

FOR THE NEGATIVE.

Doolittle	Robertson	Starbuck	Wellman
McCarthy	Selkreg	Tobey	

7

On motion of Mr. Prince, and by unanimous consent, said resolution was amended so that so much of section 5 as is contained in line 5 of said section, after the word "members," down to and including the word "dollars," in line 68, shall be known as section 6, as follows:

"§ 6. In cities having a population, according to the State census next preceding the election, of over 100,000 inhabitants, the board of finance shall be elected by the electors of the city (otherwise qualified under article second of the Constitution), who shall, for two years next preceding the election, have paid an annual tax on property owned by them, and officially assessed for taxation in such city, of the assessed value of not less than five hundred dollars, or shall have actually paid during the same period a yearly rent, for premises in said city occupied by them for purposes of residence or lawful business, of not less than two hundred and fifty dollars. In cities having a population, according to the State census next preceding the election, of not more than one hundred thousand inhabitants, the board of finance shall be elected by the electors of the city (otherwise qualified under article second of the Constitution), who shall, for two years next preceding the election, have paid an annual tax on property owned by them and officially assessed for taxation in such city, or shall have actually paid during the same period a yearly rent, for premises in said city occupied by them for purposes of residence or lawful business, of not less than one hundred dollars."

And the sections following be renumbered to conform.

Mr. Jacobs called for a division of the question.

The President put the question upon the adoption of the resolution, as amended, except sections two and six; and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Starbuck
Bixby	Hammond	Prince	Tobey
Carpenter	Harris	Robertson	Vedder

Cole	Jacobs	St. John	Wagstaff	
Coleman	Kennaday	Sayre	Wellman	
Doolittle	McCarthy	Selkreg	Woodin	
Emerson	Moore			26

The President then put the question upon the adoption of section 2 of said resolution, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Morrissey	Tobey	
Bixby	Gerard	Prince	Vedder	
Carpenter	Hammond	Robertson	Wagstaff	
Cole	Harris	St. John	Wellman	
Coleman	McCarthy	Sayre	Woodin	
Doolittle	Moore	Selkreg		23

## FOR THE NEGATIVE.

Jacobs	Kennaday	Starbuck		8
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The President then put the question upon the adoption of section 6 of said resolution, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Carpenter	Emerson	Prince	Tobey	
Cole	Harris	Robertson	Vedder	
Coleman	McCarthy	Sayre	Wellman	
Doolittle	Moore	Selkreg	Woodin	16

## FOR THE NEGATIVE.

Baaden	Hammond	Morrissey	Starbuck	
Bixby	Jacobs	St. John	Wagstaff	
Gerard	Kennaday			10

Mr. Woodin moved to reconsider the vote by which said section was lost, and that said resolution be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the following entitled Assembly bill, with a message that they had agreed to the report of the committee of conference thereon :

"An act making appropriations for the support of government."

*Ordered*, That the Clerk return said bill to the Assembly.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That a respectful message be sent to his Excellency the Governor, requesting the return of Assembly bill No. 46, entitled "An act making appropriations for the payment of the principal and interest of the canal debt for the fiscal year commencing on the 1st day of October, 1877, and to provide means to pay the interest on the debt created under section 3 of article 7 of the Constitution, for the fiscal year commencing on the 1st day of October 1876, and ending on the 30th day of September 1878," for amendment.

On motion of Mr. Cole, and by unanimous consent, the rules were suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act to amend chapter 529 of the Laws of 1868, entitled 'An act to incorporate the Rhinebeck Gas Company.'"

"An act to amend section 4 of chapter 529 of the Laws of 1871, entitled 'An act to incorporate the superintendents of the fair grounds of the town of Oswegatchie, passed April 15, 1871, as amended by chapter 137 of the Laws of 1872.'"

"An act to authorize the trustees under the will of James Cunningham, to convey to the city of Brooklyn certain lands and hereditaments at the foot of Noble street, in said city."

"An act to amend chapter 164 of the Laws of 1875, entitled 'An act for the relief of the grandchildren of Samuel F. Pratt, late of the city of Buffalo, deceased.'"

*Ordered*, That the Clerk deliver said bills to the Governor.

By unanimous consent, Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to amend chapter 410 of the Laws of 1874, entitled 'An act to authorize towns and villages to provide a sinking fund for the payment of their bonded indebtedness,' as far as the same relates to the county of Chautauqua," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to establish a fire department in the second school district of the town of Glenville, in the county of Schenectady, and for the government and maintenance of the same," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Starbuck moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Carpenter	Harris	Selkreg	Vedder	
Cole	Robertson	Starbuck	Wellman	
Gerard	St. John	Tobey	Woodin	
Hammond	Sayre			14

#### FOR THE NEGATIVE.

Bixby	Emerson	McCarthy	Morrissey	
Coleman	Jacobs	Moore	Wagstaff	
Doolittle	Kennaday			10

Whereupon the Senate adjourned.

## WEDNESDAY, APRIL 11, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Sayre presented a petition of E. E. Carr and others for the election of O. H. Warren as Regent of the University; which was read and laid upon the table.

Mr. Doolittle presented a petition of citizens of Oswego, in favor of postponing the levying of a tax, relative to Midland railroad bonds; which was read and referred to the committee on railroads.

Mr. Robertson, from the committee on the judiciary, to which was referred the petition of the commissioners to revise the statutes, accompanied by bill entitled "An act supplemental to the Code of Remedial Justice," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act supplemental to chapter 448 of the Laws of 1876, entitled 'An act relating to courts, officers of justice and civil proceedings,'" and said bill was committed to the committee of the whole.

Mr. Robertson moved that only the amendments made by the judiciary committee to said bill be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the commissioners of the town of Diana, in the county of Lewis, appointed under chapter 115 of the Laws of 1868, to issue bonds for the purpose of raising funds with which to pay the bonds of said town," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

On motion of Mr. Starbuck, and by unanimous consent, said bill was ordered considered in first committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the concurrent resolution proposing an amendment to section 6 of article 6 of the Constitution, reported in favor of the passage of the same, with amendments, and said resolution was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to release the interest of the people of the State of New York, in the real estate of which Thomas Smith, late of the city of Albany, died seized, to Thomas Scally of the city of Albany," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 874 of the Laws of 1871, entitled 'An act authorizing the surrogates in the several counties to employ stenographers,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills and concurrent resolutions, entitled as follows:

"An act to authorize the Ogdensburgh and Lake Champlain Railroad Company to issue preferred stock."

"An act to grant to the city of Yonkers, for highway purposes, certain land below original high-water mark in the Hudson river, and to authorize the building of a bridge over the tracks of the New York Central and Hudson River Railroad upon such land."

"An act to release the interest of the people of the State of New York in certain real estate in the city of Utica and town of New Hartford, county of Oneida, to Mary Nock."

"An act to amend chapter 675 of the Laws of 1872, entitled 'An act in relation to elections in the city and county of New York, and to provide for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage thereat,' and the act or acts amendatory thereof or supplementary thereto."

"Concurrent resolution proposing an amendment to article 2 of the Constitution."

"Concurrent resolution proposing an amendment to article 3 of the Constitution."

The Assembly sent for concurrence the bills entitled as follows:

"An act to legalize the official acts of E. W. Sherman, as notary public," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to extend the time for the collection of taxes in the town of Wellsville, in the county of Allegany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize the county clerk of the county of Chenango to certify defective records and enter certain orders and judgments, omitted to be entered by his predecessors in office," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to provide better facilities for the election of town officers in the town of Watervliet, Albany county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act in relation to the appointment of town constables in the county of Ontario," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act authorizing the commissioners of highways of the town of Glenville, Schenectady county, to appropriate a portion of the moneys received for commutation of highway labor to the payment of interest of indebtedness of said town, incurred in the purchase and rebuilding of the Mohawk and Schenectady Bridge Company's bridges, and for repairs of said bridges," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to authorize the city of Rochester to acquire the title to land or other property for the use of water-works," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act authorizing and empowering the common council of the city of Rochester to construct a turn-table or swing-bridge over the Erie canal, in Allen street, in the city of Rochester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to enable the city of Brooklyn to raise further means for the improvement and sale of certain portions of Prospect park in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend an act entitled 'An act to incorporate the Union Stock Yard and Market Company,' passed May 7, 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act to amend chapter 803 of the Laws of 1868, entitled 'An act to amend the acts to provide for the incorporation of religious societies, so far as the same relate to churches in connection with the Protestant Episcopal church,' passed March 9, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act to release the interest of the people of the State of New York in and to all moneys arising from the sale in partition of certain real estate premises, situate in the city of Buffalo, and to rents collected therefrom, to August Steinhoff, William Steinhoff and Philip Steinhoff," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to release the interest of the State in certain lands of which Michael Schmitts died seized, to Katharine Schmitts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act in relation to the improvement of the Racket river and of the hydraulic power thereon, and to check freshets therein," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to release the interest of the people of the State of New York in certain real estate to Mary Jetton," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to release to Mary Kinney the right, title and interest of the people of the State of New York in and to certain real estate in the city of Utica," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to release the interest of the people of the State of New York in certain real estate in the city of Troy, to Catharine Maginnis," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act in relation to the office of railroad commissioners in Ulster county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act authorizing the supervisors and justices of the peace of the town of Avon in the county of Livingston, to convey to the Avon Cemetery Association certain lands situate in the village of Avon," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.



"An act to authorize the First Presbyterian Church of Kortright, Delaware county, to change its corporate name, and to legalize the acts of the trustees of said church heretofore done under the name of the Trustees of the United Presbyterian Church of Kortright, and to legalize all the proceedings had by said church under the name of said United Presbyterian Church," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act to amend chapter 68 of the Laws of 1860, entitled 'An act to consolidate and amend the several acts relating to the village of Catskill,' passed March 14, 1860," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Schoonmaker, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

"An act to authorize the common council of the city of Lockport to raise by tax and disburse money in finishing Washington hose carriage house in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to incorporate the library and reading room of the village of Port Chester, in Westchester county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to amend section 4, article 1, title 2, chapter 13, part 1 of the Revised Statutes, in relation to the assessment and collection of taxes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to further amend an act entitled 'An act to incorporate the Masonic Hall Association in the western district of the city of Brooklyn,' passed April 20, 1866, as amended by an act entitled 'An act to amend an act entitled An act to incorporate the Masonic Hall Association in the western district of the city of Brooklyn,' passed April 20, 1866, passed April 28, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to authorize the common council of the city of Hudson to borrow five thousand dollars for maintenance of the water-works of said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to enable the town of Newtown, in Queens county, to consolidate a portion of its bonded debt and equalize the time of payment thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend an act entitled 'An act to incorporate the village of Lima, Livingston county,' passed April 25, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to incorporate the Whitehall Water-works Company, and to enable the village of Whitehall to contract with said company for the use of water," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

The Assembly returned the following entitled Assembly bill, with a message that they had concurred in the amendments of the Senate thereto:

"An act to amend and make additions to chapter 463 of the Laws of 1860, entitled 'An act to revise the charter of the city of Oswego and the acts amendatory thereof.'"

*Ordered*, That the Clerk return said bill to the Assembly.

The Assembly returned the bills entitled as follows:

"An act to amend chapter 554 of the Laws of 1873, entitled 'An act amending chapter 837 of the Laws of 1868, and chapter 623, Laws of 1869, in reference to the laying out, opening and continuing of Bushwick avenue, in the town of New Lots, Kings county.'"

"An act to legalize the incorporation of Schenevus village, in the county of Otsego, and to approve the action of the incorporation of said village under chapter 291 of the Laws of 1870, entitled 'An act for the incorporation of villages.'"

"An act to amend chapter 426 of the Laws of 1868, entitled 'An act relative to the lands devised by Richard Ray, deceased.'"

*Ordered*, That the Clerk deliver said bills to the Governor.

The President presented a communication from the Canal Department, relative to the rate of toll upon peas and beans; which was read and referred to the committee on canals.

Mr. Doolittle introduced a bill entitled "An act to authorize the city of Oswego to postpone the levy of a tax, to pay bonds not due, and to issue new bonds in place of a part of the bonds heretofore issued to facilitate the construction of the New York and Oswego Midland Railroad," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Prince introduced a bill entitled "An act to enable the trustees of the Seaman's Fund and Retreat, in the city of New York, to borrow money," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Also, a bill entitled "An act further to amend chapter 487 of the Laws of 1862, entitled 'An act defining and regulating the powers, duties and compensation of the captain of the port, and harbor-masters of the port of New York,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Also, a bill entitled "An act to amend chapter 326 of the Laws of 1874, entitled 'An act to provide for improvements in and adjoining the first ward of Long Island City,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Robertson introduced a bill entitled "An act repealing certain acts and parts of acts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Bixby introduced a bill entitled "An act to amend section 1 of an act entitled 'An act relating to courts of record and other courts in the city and county of New York, passed April 29, 1872,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Sayre introduced a bill entitled "An act to amend chapter 18 of the Laws of 1862, entitled 'An act to revise the charter of the city of Utica;,' also, to authorize the common council of said city to raise money to provide for judgments against said city," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Sayre, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading and printed.

Mr. Jacobs introduced a bill entitled "An act to provide for the taxation of insurance companies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

On motion of Mr. Jacobs, and by unanimous consent, said bill was ordered printed, pending its consideration by the committee on finance.

Mr. Jacobs introduced a bill entitled "An act to facilitate the removal of garbage from the cities of New York and Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The bill entitled "An act to amend chapter 571 of the Laws of 1866, entitled 'An act to incorporate the Brooklyn Trust Company,' " was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Jacobs	Morrissey	Schoonmaker
Bixby	Kennaday	Prince	Selkreg
Carpenter	Lamont	Robertson	Starbuck
Doolittle	Loomis	St. John	Vedder
Harris	McCarthy	Sayre	Woodin 20

*Ordered,* That the Clerk deliver said bill to the Assembly and request their concurrence therein.

Mr. Prince moved that the bill entitled "An act further to amend chapter 446 of the Laws of 1874, entitled 'An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylums for their treatment and safe-keeping, and the duties of the State Commissioner in Lunacy,' " be recommitted to the committee on the judiciary, retaining its place in the order of third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to enable Long Island City to refund a portion of its Newtown debt," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	Schoonmaker
Bixby	Harris	Morrissey	Selkreg
Carpenter	Jacobs	Prince	Starbuck
Cole	Kennaday	Robertson	Vedder

Coleman  
DoolittleLamont  
LoomisSt. John  
SayreWellman  
Woodin 24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to further amend chapter 150 of the Laws of 1872, entitled 'An act to incorporate the city of Kingston,'" having been announced for a third reading.

On motion of Mr. Schoonmaker said bill was amended as follows:

Section 7, line 4, printed bill, insert after the word "dollars" the word "also." Line 7, strike out the word "together" and insert the words "including that for the city poor." Section 8, printed bill, strike out all after the word "determine," in line 6, down to and including the word "determine," in line 7. Section 15, line 5, printed bill, after the word "election" insert the words "but not oftener than once in five years." Amend section 4 so as to read as follows:

§ 4. Section 40 of said act is hereby amended so as to read as follows:

§ 40. The said assessors shall perform all the duties herein specified, in relation to the assessment of property within the city, as well as for the purpose of levying the taxes imposed by the supervisors of Ulster county, as by the common council of the city of Kingston. The assessors elected under this act shall possess all the powers and authority of town assessors, and shall make, review and correct the assessment roll of the city in the same manner as such assessors, except as herein otherwise provided. The notice for review and correction of the assessment shall be given as provided by law for town assessors, and shall also be published in the public newspapers printed in said city and designated by the common council for the publication of official notices, and shall designate the city clerk's office as the place where the assessors will review their assessments, and where the roll may be examined. The roll shall be completed, and, with all other papers required by said article to be filed, shall be delivered to the city clerk, on or before the third Tuesday in September, in each year.

Amend section 5 so as to read as follows:

§ 5. Section 44 of said act is hereby amended so as to read as follows:

§ 44. The common council shall, at the expiration of the term of office of the present incumbent, appoint, as hereinafter provided, a sealer of weights and measures, whose term of office shall be fixed by the common council, not to exceed two years, who shall possess the like powers and be subject to like obligations as the sealer of weights and measures of the several towns of this State, and, on application for that purpose, the county sealer of weights and measures shall furnish him copies of the standards in his office at the expense of the city.

Amend section 6 so as to read as follows:

§ 6. Section 48 of said act is hereby amended so as to read as follows:

§ 48. It shall be the duty of the recorder to attend at his office at all reasonable hours, and to hear all matters within his jurisdiction. He shall not receive, for his own benefit, any fee for services under this act; but he shall demand and receive in all proceedings before him and for all services rendered by him as such recorder, the fees provided by law, and all fees and charges which may be legally payable whenever any suit or proceeding before him shall be settled or dismissed by consent, including fees of constables and policemen. The recorder or acting

recorder shall also demand, collect and receive from each person arrested and brought before him charged with a criminal offense, triable before said recorder, who shall waive an examination, all costs of the criminal proceedings against such person in case such person be convicted, and shall have power to commit such person to the county jail until such costs are paid. All such costs and fees, and all fines imposed and collected or received by him, belonging to the city, shall be paid to the treasurer once in every month. The recorder shall keep an account of all such fees and fines, and of all criminal business done by him which shall be a county charge, and shall annually, at the time of presentation of claims against the county of Ulster, make out and verify his account of all such business done by him against the county of Ulster, and present the same to the board of supervisors of said county, which board shall audit it to the city of Kingston, and levy the same as other county charges. The docket of said recorder shall contain a record or brief statement of all convictions and judgments before him, and shall be open to public inspection during office hours.

Amend section 10 so as to read as follows:

§ 10. Section 110 of said act is hereby amended so as to read as follows:

§ 110. It shall be the duty of the members of the fire department promptly to turn out upon every alarm of fire, and aid in the extinguishment thereof, and whenever called upon by the mayor or any of the common council to aid in the suppression of all riots or riotous assemblages in said city; and they are hereby declared exempt from prosecution or indictment for any act done in the reasonable and proper discharge of their duty at such fires, riots or riotous assemblages.

Amend section 12 so as to read as follows:

§ 12. Section 112 of said act is hereby amended so as to read as follows:

§ 112. The chief engineer of the fire department, under the direction of the mayor and common council, shall have the general superintendence and custody of the fire department, engines, engine-houses, hooks and ladders, hose, public cisterns, and other apparatus or conveniences for the extinguishment of fires; it shall be his duty to see that they are kept in proper order, and to make detailed reports to the mayor of the condition of the department one week before the annual city election, and to make like reports to the common council as often as they may require the same. It shall also be his duty to be present at fires of buildings, and take command of the several companies belonging to the fire department, and the general control of the engines, trucks, hooks and ladders, carts, hose and other apparatus for the extinguishment of fires. He shall have power to immediately suspend any officer or member of the fire department, while they shall be on duty at fires or otherwise, for disobedience of orders, incapacity, intoxication, disorderly conduct, insubordination or neglect of duty; but in case he shall thus suspend any such officer or member, he shall report the facts in writing to the mayor forthwith, who shall lay the same before the common council at their next regular meeting, and they shall thereupon at such meeting, or at such other time as they may appoint, proceed to hear and determine the matter, and shall either restore such officer or member, or expel, suspend, censure or reprimand him, as hereinbefore provided. The said chief engineer shall also have such other powers and perform such other duties as the common council may prescribe in the ordinances or by-laws.

Amend section 13 so as to read as follows :

§ 13. Section 113 is hereby amended so as to read as follows :

§ 113. The assistant engineers shall aid the chief engineer at all fires in their respective districts, and in case of the absence of the chief engineer, his powers and duties shall devolve upon, and be discharged by, the first assistant engineer ; and in case of the absence of both the chief and first assistant engineers, such powers and duties shall devolve upon and be discharged by the second assistant engineer ; and so on to the third and fourth assistant engineers ; and in case of the absence of the chief and all the assistant engineers, such powers and duties shall devolve upon and be discharged by such persons as the common council may appoint or designate in the ordinances and by-laws.

Mr. Schoonmaker moved that the third reading of said bill be suspended, and that the same, as amended, be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to authorize resident aliens to acquire, hold and dispose of real and personal property in like manner with citizens," having been announced for a third reading,

Mr. Gerard moved that the third reading of said bill be postponed.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Vedder moved that said bill be recommitted to the committee on the judiciary, with instructions to strike out the enacting clause.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	Schoonmaker
Bixby	Hammond	Moore	Selkreg
Carpenter	Harris	Morrissey	Starbuck
Cole	Jacobs	Prince	Wagstaff
Coleman	Kennaday	Robertson	Wellman
Doolittle	Lamont	St. John	Woodin
Emerson	Loomis	Sayre	

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#### FOR THE NEGATIVE.

Vedder

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the Ogdensburgh and Lake Champlain Railroad Company to issue preferred stock," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Gerard	Loomis	St. John
Bixby	Harris	Moore	Sayre

Carpenter	Jacobs	Morrissey	Starbuck	
Cole	Kennaday,	Prince	Tobey	
Coleman	Lamont	Robertson	Wagstaff	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the commissioners of highways of the town of Corning, in the county of Steuben, to maintain and keep in repair certain bridges and the approaches thereto, and to cause the insurance thereof against loss or damage by fire," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Jacobs	Prince	Selkreg	
Carpenter	Kennaday	Robertson	Tobey	
Cole	Lamont	St. John	Wagstaff	
Gerard	Loomis	Sayre	Wellman	
Harris	Moore	Schoonmaker		19

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to repeal certain provisions of chapter 4 of the Laws of 1862, entitled 'An act to secure the better application of funds to relieve the poor of the town of Little Falls, Herkimer county,' and to make the overseer of alms of said town, the overseer of the poor therein," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Schoonmaker	
Bixby	Harris	Prince	Starbuck	
Carpenter	Jacobs	Robertson	Tobey	
Cole	Lamont	St. John	Wagstaff	
Coleman	Loomis	Sayre	Wellman	
Doolittle	McCarthy			22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend section 23 of chapter 10 of the Laws of 1859, entitled 'An act to amend an act entitled An act to revise, amend and consolidate the several acts relating to the village of Whitesborough,' passed February 12, 1859, as amended by chapter 304 of the Laws of 1873," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Harris	McCarthy	Schoonmaker
Bixby	Jacobs	Moore	Selkreg

Cole	Kennaday	Prince	Tobey
Coleman	Lamont	Robertson	Wagstaff
Doolittle	Loomis	St. John	Wellman
Gerard			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Wellman moved that the committee on the judiciary be discharged from the further consideration of the Assembly bill entitled "An act to extend the time for the collection of taxes in the town of Wellsville, in the county of Allegany," and that the same do now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Selkreg
Bixby	Harris	Prince	Starbuck
Carpenter	Jacobs	Robertson	Tobey
Cole	Kennaday	St. John	Wagstaff
Coleman	Loomis	Schoonmaker	Wellman
Doolittle	McCarthy		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to amend chapter 675 of the Laws of 1872, entitled 'An act in relation to elections in the city and county of New York and to provide for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage thereat,' and the act or acts amendatory thereof or supplementary thereto," having been announced for a third reading,

On motion of Mr. Bixby, and by unanimous consent, said bill was amended as follows:

Section 1, line 4, printed bill, insert after the word "thereat" the words "and the act or acts amendatory thereof or supplementary thereto." Section 2, line 5, strike out all after the word "officers" down to and including the word "participate," in line 6. Section 4, line 7, strike out the word "two" and insert the word "seven." Same section, line 43, strike out the word "regulation" and insert the word "registration."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate, voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Morrissey	Tobey
Carpenter	Gerard	Prince	Vedder



Cole	Kennaday	Robertson	Wagstaff	
Coleman	Loomis	St. John	Wellman	
Doolittle	McCarthy	Selkreg	Woodin	20

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The Assembly bill entitled "An act respecting the power of the Union Home and School for the education and maintenance of the children of our volunteers who are left unprovided for, to take and hold real and personal estate," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Gerard	Prince	Tobey	
Bixby	Jacobs	Robertson	Vedder	
Coleman	Kennaday	St. John	Wagstaff	
Doolittle	Moore	Schoonmaker	Wellman	
Emerson	Morrissey	Selkreg	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act in relation to the change of grades of streets and avenues in the Twenty-third and Twenty-fourth wards of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Hammond	Morrissey	Selkreg	
Carpenter	Harris	Prince	Starbuck	
Cole	Jacobs	Robertson	Tobey	
Coleman	Kennaday	St. John	Vedder	
Emerson	Loomis	Sayre	Wagstaff	
Gerard	McCarthy	Schoonmaker	Wellman	24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to legalize the acts of Charles C. Wakeley as notary public," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Harris	Prince	Selkreg	
Carpenter	Jacobs	Robertson	Tobey	
Cole	Kennaday	St. John	Wagstaff	
Coleman	Lamont	Sayre	Wellman	

Doolittle	McCarthy	Schoonmaker	Woodin	
Emerson	Morrissey			22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The hour of twelve o'clock having arrived, the President announced that, pursuant to law and agreeably to a joint resolution of the Senate and Assembly, the Senate would proceed to nominate a candidate for the office of Regent of the University to fill a vacancy occasioned by the resignation of Augustus C. George.

The Senate thereupon proceeded to the nomination of a candidate in place of Augustus C. George, resigned, when each Senator rose in his place and nominated as follows :

#### FOR ORRIS H. WARREN.

Baaden	Doolittle	Moore	Selkreg	
Carpenter	Emerson	Prince	Vedder	
Cole	Harris	Robertson	Wellman	
Coleman	McCarthy	Sayre	Woodin	16

#### FOR EDWARD C. BOYNTON.

St. John	Schoonmaker	Wagstaff		3
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#### FOR GEORGE F. COMSTOCK.

Bixby	Hammond	Kennaday	Loomis	
Gerard	Jacobs	Lamont	Morrissey	8

#### FOR CHARLES O'CONOR.

Starbuck				1
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A quorum having voted, and a majority having named Orris H. Warren, the President announced that Orris H. Warren, of the city of Syracuse, had been duly nominated, on the part of the Senate, a candidate for the office of Regent of the University, to fill the vacancy occasioned by the resignation of Augustus C. George.

Mr. McCarthy offered the following :

*Resolved*, That a committee of two be appointed to wait upon the Assembly, and inform that body that the Senate has made a nomination for the office of Regent of the University, and are prepared to meet the Assembly in joint convention to compare nominations.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The President then announced as such committee Messrs. McCarthy and Gerard.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act in relation to the improvement of the Croton aqueduct in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act for the reduction of the salaries and compensation of certain officers and clerks in the cities of this State," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was

referred the Assembly bill entitled "An act to authorize the common council of the city of Hudson to borrow five thousand dollars for maintenance of the water-works of said city," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Wellman, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to authorize and empower the New York Protestant Episcopal Public School to mortgage such parts of its real estate in the Nineteenth ward of the city of New York, as it was authorized to sell in fee simple by chapter 714 of the Laws of 1873," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Wellman, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to dissolve the College of Missionaries," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to prevent fishing for trout for three years in Owasco lake, in the county of Cayuga," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to prevent the taking of trout in the Owasco lake, in the county of Cayuga, for two years," and said bill was committed to the committee of the whole.

Mr. McCarthy, from the committee appointed to wait upon the Assembly, relative to the election of a Regent of the University, reported that the committee had performed that duty.

Messrs. Smith and Neilson, a committee from the Assembly, appeared in the Senate and announced that the Assembly had completed their nomination for Regent of the University, and were ready to meet the Senate in joint convention and compare nominations.

The President accordingly left the chair, and, with the Senate, proceeded to the Assembly Chamber, and on comparing nominations for the office of Regent of the University, were found to agree upon the name of Orris H. Warren.

The Senate having returned to the Senate Chamber, the President announced that Orris H. Warren, of the city of Syracuse, had been duly elected Regent of the University to fill the vacancy occasioned by the resignation of Augustus C. George.

Mr. Woodin moved that the Assembly bill (Senate, No. 275) entitled "An act to secure better public administration in the local government of New York," be made a special order to-day, immediately at the conclusion of the order of business of third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Wellman moved that the committee on miscellaneous corporations be discharged from the further consideration of the bill entitled "An act providing for the incorporation of the Tompkins County New York Patron's Mutual Fire Relief Association," and that the same be referred to the committee on insurance.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Emerson, and by unanimous consent, the bill entitled "An act to authorize the Canal Board to close the feeder of the Erie

canal in Rochester," was ordered considered in first committee of the whole.

The bill entitled "An act authorizing the supervisor of the town of Newtown, Queens county, to issue and exchange certain bonds," was read a third time.

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Selkreg
Bixby	Gerard	Morrissey	Starbuck
Carpenter	Harris	Prince	Vedder
Cole	Jacobs	Robertson	Wagstaff
Coleman	Kennady	St. John	Wellman
Doolittle			

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend chapter 435 of the Laws of 1868, entitled 'An act to incorporate the village of Hamilton, in the county of Madison, and repeal its present charter,' and to repeal chapter 250 of the Laws of 1870, chapter 18 of the Laws of 1874, and chapter 142 of the Laws of 1875," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Hammond	Morrissey	Schoonmaker
Bixby	Harris	Prince	Selkreg
Cole	Kennady	Robertson	Starbuck
Coleman	Loomis	St. John	Vedder
Doolittle	McCarthy	Sayre	Wellman
Emerson	Moore		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to amend chapter 818 of the Laws of 1868, entitled 'An act to incorporate the village of Port Chester,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Harris	Morrissey	Schoonmaker
Cole	Kennaday	Prince	Selkreg
Coleman	Loomis	Robertson	Starbuck
Doolittle	McCarty	St. John	Vedder

Emerson  
Hammond

Moore

Sayre

Wagstaff

21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 692 of the Laws of 1866, entitled 'An act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts, and for other purposes,' and supplementary thereto," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Hammond	Prince	Starbuck
Bixby	Kennaday	Robertson	Vedder
Cole	Loomis	St. John	Wagstaff
Doolittle	McCarthy	Sayre	Wellman
Emerson	Moore	Selkreg	Woodin
Gerard	Morrissey		

22

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to grant to the city of Yonkers certain lands belonging to the people of the State of New York, lying below the original line of high-water mark in the Nepperhan basin, in the city of Yonkers," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Prince	Selkreg
Bixby	Kennaday	Robertson	Starbuck
Carpenter	Lamont	St. John	Vedder
Cole	McCarthy	Sayre	Wagstaff
Doolittle	Moore	Schoonmaker	Wellman
Emerson	Morrissey		

22

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to release the interest of the people of the State of New York in certain real estate in the city of Utica and town of New Hartford, county of Oneida, to Mary Nock," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Selkreg
Bixby	Hammond	Prince	Starbuck
Carpenter	Kennaday	Robertson	Vedder

Cole	Loomis	St. John	Wagstaff
Doolittle	McCarthy	Sayre	Wellman
Emerson	Moore	Schoonmaker	23

*Ordered,* That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The Assembly bill entitled "An act to amend chapter 335 of the Laws of 1871, entitled 'An act to authorize the appointment of a person to be public administrator in the county of Kings, and to determine the powers and duties of such officer,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Prince	Selkreg
Bixby	Harris	Robertson	Starbuck
Carpenter	Kennaday	St. John	Vedder
Cole	Loomis	Sayre	Wagstaff
Coleman	McCarthy	Schoonmaker	Wellman
Doolittle	Moore		22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act to legalize the acts of Roselle W. Higgins as notary public of Jefferson county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Sayre
Bixby	Gerard	Moore	Schoonmaker
Cole	Hammond	Morrissey	Selkreg
Coleman	Kennaday	Robertson	Wagstaff
Doolittle	Loomis	St. John	Wellman
			20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 370 of the Laws of 1873, entitled 'An act to revise and amend an act entitled An act to incorporate the village of Port Jervis, passed March 30, 1866, and all acts relating thereto,' passed May 1, 1873," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Selkreg
Bixby	Hammond	Morrissey	Vedder
Carpenter	Harris	Robertson	Wagstaff

Cole	Kennaday	St. John	Wellman	
Coleman	Loomis	Sayre	Woodin	
Doolittle	McCarthy	Schoonmaker		23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 224, Laws of 1872, entitled 'An act to amend an act entitled An act to consolidate and amend the several acts relating to the village of Watkins, and to enlarge the powers of the corporation of said village,' passed April 3, 1861, passed April 12, 1872," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate, voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Sayre	
Bixby	Gerard	Moore	Schoonmaker	
Bradley	Hammond	Morrissey	Selkreg	
Coleman	Kennaday	Robertson	Wagstaff	
Doolittle	Loomis	St. John	Wellman	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act further to amend chapter 280 of the Laws of 1852, entitled 'An act further to amend the act entitled An act authorizing the incorporation of rural cemetery associations, passed April 27, 1847,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Selkreg	
Bixby	Emerson	Prince	Vedder	
Carpenter	Kennaday	Robertson	Wagstaff	
Cole	Loomis	Sayre	Wellman	
Coleman				17

## FOR THE NEGATIVE.

Harris	Schoonmaker	Starbuck		3
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend chapter 44 of the Laws of 1828, entitled 'An act relative to the common school fund of Edmeeston, in the county of Otsego,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Kennaday	Sayre
Bixby	Emerson	Lamont	Schoonmaker
Carpenter	Gerard	Loomis	Selkreg
Cole	Hammond	Morrissey	Wagstaff
Coleman	Harris	Prince	Wellman

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend chapter 395 of the Laws of 1859, entitled 'An act in relation to the colonial history of the State, and the natural history thereof,'" having been announced for a third reading,

On motion of Mr. Harris, and by unanimous consent, said bill was amended as follows:

Add at the end of section 1 the following:

"And the conditions applicable to colleges, academies and scientific institutions shall be extended to the author of said volumes of natural history who shall have the privilege of purchasing such copies, not exceeding 100 in number of any and every volume as he may need for completing any sets in his possession, and for presentation to scientific correspondents and societies."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Selkreg
Bixby	Gerard	Robertson	Starbuck
Carpenter	Hammond	St. John	Vedder
Cole	Harris	Sayre	Wagstaff
Coleman	Kennaday	Schoonmaker	Wellman
Doolittle	Lamont		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend chapter 68 of the Laws of 1860, entitled 'An act to consolidate and amend the several acts relating to the village of Catskill,' passed March 14, 1860," having been announced for a third reading,

On motion of Mr. Schoonmaker, and by unanimous consent, said bill was amended as follows:

Section 1, line 4, strike out the words "passed March fourteen, eighteen hundred and sixty." Amend title by striking out the words "passed March fourteen, eighteen hundred and sixty."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:



## FOR THE AFFIRMATIVE.

Bixby	Gerard	Morrissey	Starbuck
Carpenter	Kennaday	Robertson	Tobey
Cole	Loomis	St. John	Vedder
Coleman	McCarthy	Schoonmaker	Wagstaff
Emerson	Moore	Selkreg	Wellman

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend chapter 555 of the Laws of 1864, entitled 'An act to revise and consolidate the general acts relating to public instruction,' passed May 2, 1864," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Robertson	Starbuck
Bixby	Kennaday	St. John	Tobey
Carpenter	Loomis	Sayre	Vedder
Coleman	McCarthy	Schoonmaker	Wagstaff
Doolittle	Morrissey	Selkreg	Wellman
Emerson			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows:

Assembly, "An act to secure better public administration in the local government of New York."

After some time spent therein, the President resumed the chair, and Mr. Lamont, from said committee, reported progress on the said named bill, and asked leave to sit again.

Mr. Woodin moved that the further consideration of said bill be made a special order for this evening at half-past seven o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Wellman, from the committee on State prisons, to which was referred the petition of Stephen Moffitt, late agent and warden of Clinton prison, presented a report thereon, together with the proceedings and testimony in respect to the matter; which was laid upon the table and ordered printed.

(See Doc. No. 50.)

Mr. Harris moved that the Senate take a recess until half-past seven o'clock, P. M.

Mr. Starbuck moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Gerard	Kennaday	Starbuck	Wagstaff
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4

## FOR THE NEGATIVE.

Baaden	Doolittle	Morrissey	Wellman
Bixby	Harris	Robertson	Woodin
Coleman	Moore	Saye	11

The President then put the question upon the motion of Mr. Harris, and it was decided in the affirmative.

Whereupon the Senate took a recess until half-past seven, P. M.

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 HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

By unanimous consent, Mr. Selkreg, from the committee on railroads, to which was referred the bill entitled "An act to authorize steam surface railroad companies to charge and collect an excess of ten cents where fare is paid in the cars," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Selkreg, from the committee on railroads, to which was referred the bill entitled "An act supplemental to chapter 140 of the Laws of 1850, entitled 'An act to authorize the formation of railroad corporations and to regulate the same, passed April 2, 1850,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Prince, from the committee on commerce and navigation, to which was referred the bill entitled "An act to repeal an act concerning pilots of the channel of the East river, commonly called 'Hell Gate,'" reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 69 of the Laws of 1847, entitled 'An act concerning the pilots of the channel of the East river, commonly called 'Hell Gate,'" and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Prince, from the committee on commerce and navigation, to which was referred the bill entitled "An act further to amend chapter 487 of the Laws of 1862, entitled 'An act defining and regulating the powers, duties and compensation of the captain of the port, and harbor-masters of the port of New York,'" reported in favor of the passage of the same and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Prince, from the committee on commerce and navigation, to which was referred the bill entitled "An act to enable the trustees of the Seaman's Fund and Retreat, in the city of New York, to borrow money," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Prince, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act in relation to the improvement of the Racket river, and of the hydraulic power thereon, and to check freshets therein," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Emerson asked and obtained leave to introduce a bill entitled "An act to authorize the town of Webster, Mon-

roe county, to issue bonds in payment of, or to take up, bonds heretofore issued in aid of the Lake Ontario Shore Railroad," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Senate then resolved itself into a committee of the whole and proceeded to the consideration of the special order, being the bill entitled as follows :

Assembly, "An act to secure better public administration in the local government of the city of New York."

After some time spent therein, the President resumed the chair, and Mr. Moore, from said committee, reported in favor of the passage of the said named bill, with amendments, and the title amended so as to read "An act to secure the better public administration in the local government of the city of New York," which report was agreed to, and the same ordered to a third reading.

Mr. Wagstaff moved that said bill, as amended in committee of the whole, be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly sent for concurrence a resolution in the words following :

*Resolved*, That a respectful message be sent to the honorable the Senate, asking the return to this house of Assembly bill entitled "An act authorizing and empowering the common council of the city of Rochester to construct a turn-table or swing-bridge over the Erie canal in Allen street, in the city of Rochester."

Mr. Emerson moved that the committee on canals be discharged from the further consideration of said bill, and that the same be returned to the Assembly.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Tobey, and by unanimous consent, the rules were suspended, and the committee of the whole was discharged from the further consideration of the Assembly bill entitled "An act to incorporate the fire department of the village of Plattsburgh," and the same was ordered to a third reading.

By unanimous consent, Mr. Wagstaff asked and obtained leave to introduce a bill entitled "An act to legalize the acts of boards of excise throughout this State," which was read the first time; and by unanimous consent was also read the second time and referred to the committee on internal affairs.

Mr. Prince offered the following :

*Whereas*, It has come to the knowledge of the Senate that a joint committee of the two houses of the General Assembly of the Commonwealth of Massachusetts is now in the city of Albany;

*Resolved*, That the Senate extend to said joint committee, as representatives of a most honored sister State, a hearty welcome to the capital of the Empire State.

*Resolved*, That a special committee of three be appointed by the President to invite the joint committee from Massachusetts to the floor of the Senate.

The President put the question whether the Senate would agree to said resolutions, and it was decided in the affirmative.

The President announced as such committee, Messrs. Prince, Wellman and Gerard.

By unanimous consent, Mr. Moore, from the committee on agriculture, to which was referred the Senate bill entitled "An act for the protection of dairymen, and to prevent deception and secure fair dealing in sales of butter and cheese," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

On motion of Mr. Hammond, the Senate adjourned

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## THURSDAY, APRIL 12, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Selkreg, from the committee on railroads, to which was referred the bill entitled "An act to authorize the city of Oswego to postpone the levy of a tax to pay bonds not due, and to issue new bonds in place of a part of the bonds heretofore issued to facilitate the construction of the New York and Oswego Midland Railroad," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to authorize the trustees of the village of Skaneateles, in the county of Onondaga and State of New York, to sell certain real estate, and to raise money by tax for building an engine-house and for other village purposes," reported in favor of the passage of the same and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the village of Lima, Livingston county, passed April 25, 1867,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to incorporate the Whitehall Water-works Company, and to enable the village of Whitehall to contract with said company for the use of water," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act repealing certain acts and parts of acts," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release the interest of the people of the State of New York in certain real estate in the city of Troy, to Catharine Maginnis," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize the official acts of

E. W. Sherman as notary public," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release to Mary Kinney the right, title and interest of the people of the State of New York, in and to certain real estate in the city of Utica," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act legalizing and confirming a certain deed of real estate executed by M. Lindley Lee to Elizabeth Crumley, and also a certain deed executed by said Elizabeth Crumley to Jennie E. Crumley," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Tobey, from the committee on insurance, to which was referred the bill entitled "An act providing for the incorporation of the Tompkins County New York Patrons' Mutual Fire Relief Association," reported the same for the consideration of the Senate.

Mr. Tobey, from the committee on insurance, to which was referred the bill entitled "An act in relation to fire insurance policies," reported the same for the consideration of the Senate.

Mr. Tobey, from the committee on insurance, to which was referred the bill entitled "An act as to the form of policies of insurance issued by insurance companies doing business in this State," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Tobey, from the committee on insurance, to which was referred the bill entitled "An act relative to insurance brokers," reported adversely thereto, which report was agreed to, and said bill rejected.

The President presented a certified copy of protest of liquor dealers of the Fourth Senatorial district of the city of New York, addressed to the common council of the city of New York, relative to the bill pending in the Legislature, giving to the police commissioners power to issue licenses to persons in the liquor business; which was read and referred to the committee on internal affairs.

Also, resolutions adopted by the Maritime Association of the port of New York, relative to the pending amendments to the Constitution as proposed by the commission appointed to devise a plan for the government of cities; which were read and committed to the committee of the whole.

The Assembly bill entitled "An act to incorporate the fire department of the village of Plattsburgh," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Gerard	Loomis	St. John
Carpenter	Hammond	Moore	Selkreg
Cole	Harris	Morrissey	Vedder
Coleman	Jacobs	Prince	Wagstaff
Doolittle	Kennaday	Robertson	Wellman
Emerson	Lamont		

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act further to amend chapter 35 of the Laws of 1878, entitled 'An act to re-enact and amend an act entitled An act to incorporate the city of Yonkers, passed June 1, 1872,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Lamont	St. John	
Carpenter	Gerard	Loomis	Selkreg	
Cole	Harris	Moore	Vedder	
Coleman	Jacobs	Morrissey	Wagstaff	
Doolittle	Kennaday	Robertson	Wellman	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Wellman, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Union Stock Yard and Market Company,' passed May 7, 1872," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Wellman, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act to authorize the First Presbyterian Church of Kortright, Delaware county, to change its corporate name and to legalize the acts of the trustees of said church heretofore done under the name of the trustees of the United Presbyterian Church of Kortright, and to legalize all the proceedings had by said church under the name of said United Presbyterian Church," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Wellman, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act authorizing the supervisor and justices of the peace of the town of Avon in the county of Livingston, to convey to the Avon Cemetery Association certain lands situate in the village of Avon," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Wagstaff moved that the bill entitled "An act to provide for the restraint and abatement of nuisances by boards of health," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, two-thirds of all the members elected to the Senate not voting in favor thereof.

Mr. Wagstaff moved that said bill be made a special order for this evening at half-past seven o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, two-thirds of all the members elected to the Senate not voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Harris	Morrissey	Starbuck
Carpenter	McCarthy	Robertson	Wagstaff
Emerson	Moore	St. John	Woodin
Gerard			

## FOR THE NEGATIVE.

Cole  
Doolittle  
Hammond

Jacobs  
Kennaday  
Lamont

Loomis  
Prince  
Tobey

Vedder  
Wellman

11

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to authorize the Canal Board to close the feeder of the Erie canal in Rochester."

"An act supplemental to chapter 375 of the Laws of 1873, entitled 'An act to re-organize the local government of the city of New York.'"

"An act to authorize the commissioners of the town of Diana, in the county of Lewis, appointed under chapter 115 of the Laws of 1868, to issue bonds for the purpose of raising funds with which to pay the bonds of said town."

After some time spent therein, the President resumed the chair, and Mr. Prince, from said committee, reported in favor of the passage of the first and second named bills, with amendments, which report was agreed to and the same ordered engrossed for a third reading.

Mr. Prince, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Wagstaff moved that the bill entitled "An act to provide for the restraint and abatement of nuisances by boards of health," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, two-thirds of all the members elected to the Senate not voting in favor thereof.

By unanimous consent, Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Harris moved that said bill be printed as amended by the committee on finance, and the consideration of the same be made a special order for Tuesday next, immediately after reading the journal.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

By unanimous consent, Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act to amend chapter 101 of the Laws of 1862, entitled 'An act in relation to the support and custody of indigent insane persons in the county of Genesee,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to amend chapter 389 of the Laws of 1876, entitled 'An act to amend chapter 504 of the Laws of 1875, entitled An act to amend chapter 455 of the Laws of 1874, entitled An act to protect the fisheries of Cross lake, in the county of Onondaga, State of New York; also, of Clyde and Seneca rivers, in the counties of Wayne and Cayuga,'" reported in favor of the

passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to provide better facilities for the election of town officers in the town of Watervliet, Albany county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to amend chapter 737 of the Laws of 1873, entitled 'An act in relation to the creation and formation of water-works companies in towns and villages of the State of New York,' passed June 12, 1873," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 737 of the Laws of 1873, entitled 'An act in relation to the creation and formation of water-works companies in towns and villages of the State of New York,'" and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to enable the town of Newtown, in Queens County, to consolidate a portion of its bonded debt and equalize the time of payment thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act to amend the law for the assessment and collection of taxes," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Cole moved that the Assembly bill entitled "An act to amend chapter 767 of the Laws of 1872, entitled 'An act to establish the compensation of county judges and surrogates, pursuant to the fifteenth section of the amended sixth article of the Constitution,'" be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to release to the estate of Charles Doran, deceased, the right, title and interest of the people of the State of New York, in and to certain real estate in the city of Poughkeepsie."

Assembly, "An act to release the right, title and interest of the people of the State of New York, in and to the proceeds of sale of certain real estate in the town of Middletown; county of Richmond, to Phillipena Schworm, widow of Bernard Schworm, deceased."

Assembly, "An act in relation to the indictment and punishment of criminal offenses committed on railroads within the State."

After some time spent therein, the President resumed the chair, and Mr. Cole, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:



Assembly, "An act to repeal chapter 583 of the Laws of 1869, entitled 'An act relative to the improvement of Mamaroneck harbor, and for the promotion of the public health,' passed May 5, 1869."

Assembly, "An act to amend chapter 767 of the Laws of 1872, entitled 'An act to establish the compensation of county judges and surrogates pursuant to the fifteenth section of the amended sixth article of the Constitution.'"

Assembly, "An act to create a police pension fund for disabled and retired policemen in the city of Brooklyn."

After some time spent therein, the President resumed the chair, and Mr. Bixby, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Bixby, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Starbuck moved that said bill be recommitted to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bixby, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Kennaday moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. McCarthy, from the committee on literature, to which was referred the Assembly bill entitled "An act to incorporate the library and reading room of the village of Port Chester, in Westchester county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend chapter 173 of the Laws of 1875, entitled 'An act to provide for the better care of pauper and destitute children.'"

Assembly, "An act to amend section 3 of chapter 443 of the Laws of 1876, entitled 'An act supplemental to the act entitled An act to revise the charter of the city of Syracuse, passed March 3, 1857, and the acts amendatory thereto,' passed June 2, 1876."

"An act to annul or repeal the incorporation of The Clyde and Rose Plank-road Company."

After some time spent therein, the President resumed the chair, and Mr. Hammond, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Hammond, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Hammond, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed, for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, on the bills entitled as follows:

Assembly, "An act to amend chapter 76 of the Laws of 1850, entitled 'An act to revise and consolidate the laws in relation to the village of Whitehall, passed March 16, 1850, and the other acts amendatory thereof.'"

Assembly, "An act to amend chapter 395 of the Laws of 1873, entitled 'An act to alter the system of repairing the highways.'"

"An act to prevent the making and publication of false and deceptive statements in relation to the business of fire insurance."

After some time spent therein, the President resumed the chair, and Mr. Gerard, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Gerard, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Wellman, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to amend chapter 400 of the Laws of 1872, entitled 'An act to incorporate the Oswegatchie Bridge Company,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Moore moved that the bill entitled "An act to amend chapter 173 of the Laws of 1875, entitled 'An act to provide for the better care of pauper and destitute children,'" be considered in first committee of the whole on Monday evening next.

Mr. Jacobs moved to amend by striking out "Monday evening," and inserting "to-morrow."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question upon the motion of Mr. Moore, as amended, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bill entitled as follows:

Assembly, "An act to amend chapter 71 of the Laws of 1844, entitled 'An act to amend an act for the incorporation of the village of Oxford, and for other purposes.'"

Assembly, "An act to authorize the village of Sag Harbor, Suffolk county, to borrow money for purchasing a steam fire apparatus, with the necessary appurtenances therefor, and to secure a supply of water therefor."

"An act further to amend chapter 776 of the Laws of 1870, entitled 'An act to amend an act entitled An act to provide for the incorporation of villages,' passed December 7, 1847, and the several acts amendatory thereof, so far as the same relate to the village of Mount Vernon, in the county of Westchester, and to declare, enlarge and define the powers and duties of the officers of said village, and to confirm and extend the powers of the corporation of said village."

After some time spent therein, the President resumed the chair, and Mr. Sayre, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Sayre, from the same committee, reported in favor of the passage of the second named bill, with amendments, and have amended the title

by striking therefrom the word "steam," which report was agreed to, and the same ordered to a third reading.

Mr. Sayre, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Carpenter moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A message was received from the Governor in the words following :

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, April 12, 1877. }

*To the Senate :*

I return, without my approval, Senate bill No. 155, entitled "An act to empower the board of education of the educational district of Seneca Falls, to appoint an assessor for such district."

The settled law and practice of the State provide that three assessors shall pass upon each valuation of property for purposes of taxation. An existing local statute already provides an additional assessor for the village of Seneca Falls. The present bill seeks to authorize the board of education to appoint still another assessor at such salary as they choose, to make a special assessment for them. It would seem that four assessors ought to be sufficient for a town of 7,000 inhabitants. The public do not favor the creation of new officers. The present bill provides that the educational assessor shall follow the last village assessment as far as practicable, of which, apparently, he is the sole judge. The board is not obliged to appoint a village assessor as the educational assessor, and these officers will probably be filled by different persons. The citizens of Seneca Falls will then be compelled to support this new officer, either simply to copy the existing assessments or to involve them in the disputes and litigations likely to attend a double set of valuations, one for general and the other for school purposes.

Another objection to this act is, that it directs the board of education, upon the receipt of their assessment roll to levy a tax and issue a warrant for its collection. No restriction is laid upon them as to the time, purpose or amount of this levy, and it is more than doubtful if the present law furnishes any such restriction. I cannot find it consistent with my sense of duty to approve a bill which may result in so much evil.

L. ROBINSON.

Mr. Hammond moved that said message be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Hammond, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act to incorporate the Horseheads Fire Department," was ordered considered in first committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to incorporate the Horseheads Fire Department."

Assembly, "An act further to amend chapter 338 of the Laws of 1875, entitled 'An act to amend an act entitled An act for the relief of the sur-

viving members of the First Regiment of New York Volunteers, who served in the war with Mexico."

Assembly, "An act to organize a fire department in the village of Andes, Delaware county."

After some time spent therein, the President resumed the chair, and Mr. Loomis, from said committee, reported progress on the first named bill, and asked leave to sit again.

Mr. Hammond moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Loomis, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Loomis, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered to a third reading.

By unanimous consent, Mr. Vedder asked and obtained leave to introduce a bill entitled "An act in relation to life and fire insurance companies, associations or partnerships, incorporated by or organized under the laws of any other State of the United States or foreign government, doing business in the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

By unanimous consent, Mr. Selkreg asked and obtained leave to introduce a bill entitled "An act to authorize railroad corporations to pay commutation money for highway labor to the commissioners of highways of towns," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Prince, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act establishing a ferry from Barber's Point, in the town of Westport, in the county of Essex, across Lake Champlain, and to repeal chapter 495 of the Laws of 1871,' passed May 1, 1872," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act establishing a ferry from Barber's Point, in the town of Westport, in the county of Essex, across Lake Champlain," and said bill was committed to the committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to punish trespassing on railroads."

"An act supplemental to chapter 461 of the Laws of 1872, entitled 'An act to incorporate the St. Agnes Cemetery of Syracuse.'"

"An act regulating the payment of school moneys apportioned in the several counties of the State."

After some time spent therein the President resumed the chair, and Mr. Bixby, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Bixby, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Bixby, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to.

On motion of Mr. Vedder, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Sayre
Carpenter	Harris	Moore	Selkreg
Cole	Jacobs	Morrissey	Starbuck
Coleman	Kennaday	Prince	Vedder
Doolittle	Lamont	Robertson	Wagstaff
Emerson	Loomis	St. John	23

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Starbuck, and by unanimous consent, the bill entitled "An act to authorize the commissioners of the town of Diana, in the county of Lewis, appointed under chapter 115 of the Laws of 1868, to issue bonds for the purpose of raising funds with which to pay the bonds of said town," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	St. John
Carpenter	Jacobs	Moore	Sayre
Cole	Kennaday	Morrissey	Selkreg
Coleman	Lamont	Prince	Starbuck
Doolittle	Loomis	Robertson	Wagstaff
Emerson			21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to amend an act entitled 'An act to amend and consolidate the several acts relative to the city of Schenectady,' passed April 21, 1862, and the acts amendatory thereof."

Assembly, "An act to authorize the common council of the city of Hudson to borrow \$5,000 for maintenance of the water-works of said city."

Assembly, "An act to confirm the acts of the trustees of the Raquetteville Cemetery Association of North Potsdam, and to authorize the transfer of the remains of deceased persons buried in the grounds of such association to other grounds, and to authorize the sale and conveyance of the grounds abandoned."

After some time spent therein, the President resumed the chair, and Mr. Doolittle, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act in relation to arrears of taxes in the city of New York, and to provide for the re-issuing of revenue bonds in anticipation of such taxes," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act in relation to counties signing warrants for payments from the treasury of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Selkreg the Senate took a recess until half-past seven o'clock, P. M.

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#### HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

The Assembly sent for concurrence a resolution in the words following: *Resolved* (if the Senate concur), That the judiciary committees of the two houses constitute a joint committee to prepare charges upon the evidence already received by the judiciary committee of the Assembly (supplemented by further evidence, if said joint committee shall deem it requisite), and shall cause a copy of the charges to be served upon Ransom Balcom, a justice of the supreme court of the sixth judicial district, as grounds for his removal from office by concurrent resolution of both houses of the Legislature, and shall fix a time and place for the hearing and investigation thereof before said joint committee, notice of such hearing to be served with the said copy of charges. And that reasonable opportunity, consistent with the exigencies of the public interests, be given to said incumbent to make answer to said charges, to produce witnesses in his behalf, to cross-examine those offered in support of the charges, and to be heard in his defense, and in case the said incumbent shall fail to appear in person or by counsel, and the said committee should have reason to believe that such failure to appear was occasioned by causes the same as preferred in the charges aforesaid, then said committee are instructed to invite some associate justice of the supreme court, to appear in person before them to take care of the interests of the said incumbent in the premises.

The committee are hereby authorized to take testimony in the proceedings, to send for persons and papers, to employ a stenographer, and are required to report their opinion as the result of their deliberations, and to transmit all the evidence at as early a day as convenient.

Mr. Harris moved that said resolution be referred to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Harris, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to authorize the commissioners of the town of Diana, in the county of Lewis, appointed under chapter 115 of the Laws of 1868, to issue bonds for the purpose of raising funds with which to pay the bonds of said town."

"An act regulating the payment of school moneys apportioned in the several counties of the State."

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to confirm the title of certain lands conveyed to Josefa M. Mora, an alien."

Assembly, "An act to amend chapter 166 of the Laws of 1868, entitled 'An act to empower Ulster Lodge No. 59 of the Independent Order of Odd Fellows of the State of New York, in the village of Saugerties and county of Ulster, to hold and convey real and personal estate, and constitute the same a corporation.'"

"An act to incorporate the Brooklyn and Jersey City Ferry Company."

After some time spent therein the President resumed the chair, and Mr. Selkreg, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Selkreg, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

On motion of Mr. Jacobs, and by unanimous consent, the bill entitled "An act to amend chapter 489 of the Laws of 1875, entitled 'An act to amend chapter 583 of the Laws of 1874, entitled 'An act to lay out and improve a public highway or avenue and concourse in continuation of a public highway or avenue heretofore laid out from Prospect park, in the city of Brooklyn, towards Coney Island, in the county of Kings,' was ordered considered in first committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to establish a fire department in the second school district of the town of Glenville, in the county of Schenectady, and for the government and maintenance of the same."

Assembly, "An act to incorporate the Veteran Guard of the city of New York."

"An act to amend chapter 489 of the Laws of 1875, entitled 'An act to amend chapter 583 of the Laws of 1874, entitled 'An act to lay out and improve a public highway or avenue and concourse in continuation of a public highway or avenue heretofore laid out from Prospect park, in the city of Brooklyn, towards Coney Island, in the county of Kings.'"

After some time spent therein, the President resumed the chair, and Mr. Carpenter, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Carpenter, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act to legalize the acts of boards of excise throughout this State," reported the same with amendments for the con-

sideration of the Senate, and said bill was committed to the committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act supplementary to chapter 273 of the Laws of 1866, entitled 'An act authorizing the incorporation of associations to erect monuments to perpetuate the memory of soldiers who fell in defense of the Union,' passed March 30, 1866."

Assembly, "An act to amend chapter 410 of the Laws of 1874, entitled 'An act to authorize towns and villages to provide a sinking fund for the payment of their bonded indebtedness,' so far as the same relates to the county of Chautauqua."

Assembly, "An act to prevent the taking of trout in the Owasco lake, in the county of Cayuga, for two years."

After some time spent therein, the President resumed the chair, and Mr. St. John, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend an act entitled 'An act to incorporate the Union Stock Yard and Market Company,' passed May 7, 1872."

Assembly, "An act in relation to the improvement of the Racket river and of the hydraulic power thereon, and to check freshets therein."

Assembly, "An act to amend an act entitled 'An act to incorporate the village of Lima, Livingston county,' passed April 25, 1867."

After some time spent therein, the President resumed the chair, and Mr. Cole, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act authorizing the supervisor and justices of the peace of the town of Avon, in the county of Livingston, to convey to the Avon Cemetery Association certain lands situate in the village of Avon."

Assembly, "An act legalizing and confirming a certain deed of real estate executed by M. Lindley Lee to Elizabeth Crumley, and also a certain deed executed by said Elizabeth Crumley to Jennie E. Crumley."

Assembly, "An act to incorporate the Whitehall Water-works Company, and to enable the village of Whitehall to contract with said company for the use of water."

After some time spent therein the President resumed the chair, and Mr. Gerard, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Gerard, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Coleman moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.



The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend chapter 515 of the Laws of 1874, entitled 'An act to amend an act entitled An act to re-organize the local government of the city of New York, passed April 30, 1873,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend chapter 432 of the Laws of 1876, entitled 'An act to provide for a further supply of pure and wholesome water for the Twenty-third and Twenty-fourth wards of the city of New York,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to authorize the common council of 'the city of Watertown,' to cancel and annul a bond executed and delivered to 'the city of Watertown' by Byron D. Adsit, with sureties, dated January 6, 1874, and to release and discharge the said Byron D. Adsit and his sureties from all liability thereon," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to release to Mary Kinney the right, title and interest of the people of the State of New York in and to certain real estate in the city of Utica.

Assembly, "An act to legalize the official acts of E. W. Sherman, as notary public."

Assembly, "An act to release the interest of the people of the State of New York in certain real estate in the city of Troy, to Catharine Maginnis."

After some time spent therein, the President resumed the chair, and Mr. Harris, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend chapter 737 of the Laws of 1873, entitled 'An act in relation to the creation and formation of water-works companies in towns and villages in the State of New York.'"

Assembly, "An act to amend chapter 389 of the Laws of 1876, entitled 'An act to amend chapter 504 of the Laws of 1875, entitled An act to amend chapter 455 of the Laws of 1874, entitled An act to protect the fisheries of Cross lake, in the county of Onondaga, State of New York; also, of Clyde and Seneca rivers, in the counties of Wayne and Cayuga.'"

Assembly, "An act to amend chapter 101 of the Laws of 1862, entitled 'An act in relation to the support and custody of indigent insane persons of the county of Genesee.'"

After some time spent therein, the President resumed the chair, and Mr. Selkreg, from said committee, reported in favor of the passage of

the said named bills, which report was agreed to, and the same ordered to a third reading.

On motion of Mr. Jacobs, and by unanimous consent, the rules were suspended and the Assembly bill entitled "An act to incorporate the library and reading room of the village of Port Chester, in Westchester county," was ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general order, being the bills entitled as follows:

Assembly, "An act to authorize the common council of the city of Watertown to cancel and annul a bond executed and delivered to "the city of Watertown," by Byron D. Adsit, with sureties, dated January 6, 1874, and to release and discharge the said Byron D. Adsit and his sureties from all liability thereon."

Assembly, "An act to provide better facilities for the election of town officers in the town of Watervliet, Albany county."

After some time spent therein, the doors were opened, and Mr. Emerson, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered to a third reading.

On motion of Mr. Hammond, the Senate adjourned.

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## FRIDAY, APRIL 13, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Wagstaff presented a petition of Thomas E. Davis and others in respect to certain claims for rent of offices for counsel to the corporation of the city of New York; which was read and referred to the committee on the affairs of cities.

Mr. Robertson, from the committee on the judiciary, to which was recommitted the bill entitled "An act further to amend chapter 446 of the Laws of 1874, entitled 'An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylums for their treatment and safe-keeping, and the duties of the State Commissioner in Lunacy,'" reported in favor of the passage of the same, with amendments, and said bill resumed its place in order of third reading.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release the interest of the people of the State of New York in and to all moneys arising from the sale in partition of certain real estate premises, situate in the city of Buffalo, and to rents collected therefrom, to August Steinhoff, William Steinhoff and Philip Steinhoff," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to provide for the revision of the laws relative to the administration of justice in the district courts of the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the county clerk of the county of Chenango to certify defective records and enter certain orders and judgments omitted to be entered by his predecessors in office," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly bill entitled "An act to repeal chapter 583 of the Laws of 1869, entitled 'An act relative to the improvement of Mamaroneck harbor, and for the promotion of the public health,' passed May 5, 1869," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Hammond	Moore	Sayre
Bixby	Harris	Morrissey	Selkreg
Carpenter	Jacobs	Prince	Starbuck
Cole	Loomis	Robertson	Wagner
Emerson	McCarthy	St. John	Woodin
			20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to authorize the Canal Board to close the feeder of the Erie canal in Rochester."

"An act supplemental to chapter 375 of the Laws of 1873, entitled 'An act to re-organize the local government of the city of New York.'"

"An act to punish trespassing on railroads."

"An act supplemental to chapter 461 of the Laws of 1872, entitled 'An act to incorporate the St. Agnes Cemetery of Syracuse.'"

"An act to prevent the making and publication of false and deceptive statements in relation to the business of fire insurance."

"An act to annul or repeal the incorporation of the Clyde and Rose Plank-road Company."

"An act to incorporate the Brooklyn and Jersey City Ferry Company."

The bill entitled "An act to annul or repeal the incorporation of the Clyde and Rose Plank-road Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Harris	Morrissey	Starbuck
Carpenter	Jacobs	Robertson	Vedder
Cole	Kennaday	St. John	Wagner
Coleman	Loomis	Sayre	Woodin
Emerson	McCarthy	Selkreg	
			19

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to prevent the making and publication of

false and deceptive statements in relation to the business of fire insurance," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Selkreg	
Cole	Hammond	Prince	Vedder	
Coleman	Harris	Robertson	Wagner	
Doolittle	Jacobs	St. John	Wagstaff	
Emerson	Kennaday			18

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the Brooklyn and Jersey City Ferry Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Lamont	Prince	
Carpenter	Gerard	Loomis	Robertson	
Cole	Harris	McCarthy	St. John	
Coleman	Jacobs	Moore	Vedder	
Doolittle	Kennaday	Morrissey	Wagstaff	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act supplemental to chapter 461 of the Laws of 1872, entitled 'An act to incorporate the St. Agnes Cemetery of Syracuse,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Harris	Moore	Selkreg	
Carpenter	Jacobs	Morrissey	Starbuck	
Cole	Kennaday	Prince	Vedder	
Coleman	Loomis	Robertson	Wagner	
Doolittle	McCarthy	St. John	Wagstaff	
Emerson				21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to punish trespassing on railroads," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	St. John
Bixby	Gerard	McCarthy	Selkreg
Carpenter	Hammond	Moore	Starbuck
Cole	Harris	Morrissey	Wagner
Coleman	Kennaday	Robertson	Wagstaff
Doolittle	Lamont		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the Canal Board to close the feeder of the Erie canal in Rochester," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Selkreg
Bixby	Gerard	Moore	Starbuck
Carpenter	Jacobs	Morrissey	Tobey
Cole	Kennaday	Robertson	Vedder
Coleman	Lamont	St. John	Wagstaff
Doolittle	Loomis	Sayre	

23

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The Assembly bill entitled "An act in relation to the Inebriates' Home for Kings county, and to amend chapter 514 of the Laws of 1871, entitled 'An act to amend an act entitled An act to incorporate the Inebriates' Home for Kings county, passed May 9, 1867, and the act amendatory thereof, passed April 30, 1868,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	St. John
Bixby	Gerard	Moore	Selkreg
Carpenter	Jacobs	Morrissey	Tobey
Cole	Kennaday	Prince	Wagner
Coleman	Lamont	Robertson	Wagstaff
Doolittle			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act supplemental to chapter 375 of the Laws of 1873, entitled 'An act to re-organize the local government of the city of New York,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Sayre
Bixby	Emerson	Moore	Selkreg
Carpenter	Harris	Morrissey	Tobey
Cole	Lamont	Prince	Vedder
Coleman	Loomis	Robertson	Wagner

20

## FOR THE NEGATIVE.

Gerard	Kennaday	Starbuck	Wagstaff
Jacobs	St. John		

6

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Prince offered the following :

*Resolved* (if the Assembly concur), That a respectful message be sent to his Excellency the Governor, asking the return of Senate bill No. 147, entitled "An act to authorize the police department or board of police of any city to appoint policemen of district telegraph companies," for amendment.

On motion of Mr. Prince, and by unanimous consent, the rules were suspended in order to consider said resolution immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act authorizing the commissioners of highways of the town of Glenville, Schenectady county, to appropriate a portion of the moneys received for commutation of highway labor to the payment of interest of indebtedness of said town, incurred in the purchase and rebuilding of the Mohawk and Schenectady Bridge Company's bridges, and for repairs of said bridges," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly bill entitled "An act to establish a fire department in the second school district of the town of Glenville, in the county of Schenectady, and for the government and maintenance of the same," was read a third time.

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Selkreg
Bixby	Gerard	Morrissey	Tobey
Carpenter	Harris	Robertson	Wagner
Cole	Jacobs	St. John	Wagstaff
Coleman	Kennaday	Sayre	Woodin
Doolittle			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act to release the right, title and interest of the people of the State of New York in and to the proceeds of

sale of certain real estate in the town of Middletown, county of Richmond, to Phillipena Schworm, widow of Bernard Schworm, deceased," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Selkreg
Bixby	Gerard	Morrissey	Tobey
Carpenter	Harris	Robertson	Wagner
Cole	Jacobs	St. John	Wagstaff
Coleman	Kennaday	Sayre	Woodin
Doolittle	Lamont		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to release to the estate of Charles Doran, deceased, the right, title and interest of the people of the State of New York, in and to certain real estate in the city of Poughkeepsie," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Sayre
Bixby	Gerard	McCarthy	Selkreg
Carpenter	Harris	Morrissey	Tobey
Cole	Jacobs	Prince	Wagner
Coleman	Kennaday	Robertson	Wagstaff
Doolittle	Lamont	St. John	Woodin

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend section 3 of chapter 443 of the Laws of 1876, entitled 'An act, supplemental to the act entitled An act to revise the charter of the city of Syracuse, passed March 3, 1857, and the acts amendatory thereto,' passed June 2, 1876," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Selkreg
Bixby	Gerard	Morrissey	Tobey
Carpenter	Harris	Robertson	Wagner
Cole	Jacobs	St. John	Wagstaff
Coleman	Kennaday	Sayre	Woodin
Doolittle	Lamont		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend chapter 76 of the Laws of 1850, entitled 'An act to revise and consolidate the laws in relation to the village of Whitehall, passed March 16, 1850, and the other acts amendatory thereof,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Kennaday	Selkreg	
Bixby	Emerson	Lamont	Tobey	
Carpenter	Gerard	McCarthy	Vedder	
Cole	Harris	Morrissey	Wagner	
Coleman	Jacobs	Robertson	Wagstaff	20

*Ordered*; That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend chapter 395 of the Laws of 1873, entitled 'An act to alter the system of repairing the highways,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	Tobey	
Bixby	Harris	Robertson	Vedder	
Carpenter	Jacobs	St. John	Wagner	
Coleman	Kennaday	Sayre	Wagstaff	
Doolittle	Lamont	Selkreg	Woodin	20

## FOR THE NEGATIVE.

Cole	Starbuck			2
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend chapter 71 of the Laws of 1844, entitled 'An act to amend an act for the incorporation of the village of Oxford, and for other purposes,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Lamont	Tobey	
Bixby	Gerard	Moore	Vedder	
Carpenter	Harris	Robertson	Wagner	
Coleman	Jacobs	St. John	Wagstaff	
Doolittle	Kennaday	Selkreg	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.



The Assembly bill entitled "An act to authorize the village of Sag Harbor, Suffolk county, to borrow money for purchasing a fire apparatus, with the necessary appurtenances therefor, and to secure a supply of water therefor," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Sayre
Bixby	Gerard	McCarthy	Selkreg
Carpenter	Jacobs	Morrissey	Tobey
Cole	Kennaday	Robertson	Vedder
Coleman	Lamont	St. John	Wagstaff
Doolittle			

21

## FOR THE NEGATIVE.

Hammond

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to incorporate the Horsheads Fire Department," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate, voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Selkreg
Bixby	Gerard	McCarthy	Starbuck
Carpenter	Hammond	Moore	Tobey
Cole	Jacobs	Robertson	Vedder
Coleman	Kennaday	St. John	Wagner
Doolittle	Lamont	Sayre	Wagstaff

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act further to amend chapter 338 of the Laws of 1875, entitled 'An act to amend an act entitled An act for the relief of the surviving members of the First Regiment of New York Volunteers who served in the war with Mexico,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	Starbuck
Bixby	Hammond	Moore	Tobey
Carpenter	Harris	Prince	Vedder
Cole	Jacobs	Robertson	Wagner
Coleman	Kennaday	St. John	Wagstaff
Doolittle	Lamont	Sayre	Woodin
Emerson	Loomis	Selkreg	

27

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to organize a fire department in the village of Andes, Delaware county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Selkreg
Bixby	Gerard	Moore	Starbuck
Carpenter	Kennaday	Robertson	Tobey
Cole	Lamont	St. John	Wagner
Coleman	Loomis	Sayre	Wagstaff
Doolittle			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to the indictment and punishment of criminal offenses committed on railroads within the State," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	Selkreg
Bixby	Emerson	McCarthy	Tobey
Carpenter	Gerard	Prince	Wagner
Cole	Kennaday	Robertson	Wagstaff
Coleman	Lamont	St. John	Woodin

20

## FOR THE NEGATIVE.

Starbuck

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relative to the city of Schenectady,' passed April 21, 1862, and the acts amendatory thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Lamont	Sayre
Bixby	Gerard	McCarthy	Starbuck
Carpenter	Hammond	Moore	Tobey
Cole	Harris	Prince	Wagner

Coleman	Jacobs	Robertson	Wagstaff	
Doolittle	Kennaday	St. John		23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the common council of the city of Hudson, to borrow \$5,000 for maintenance of the water-works of said city," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Kennaday	Robertson	
Bixby	Emerson	Lamont	Sayre	
Carpenter	Gerard	Loomis	Starbuck	
Cole	Harris	McCarthy	Tobey	
Coleman	Jacobs	Moore	Wagner	20

*Ordered*, That the Clerk return said bill to the Assembly with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to confirm the acts of the trustees of the Raquetteville Cemetery Association of North Potsdam, and to authorize the transfer of the remains of deceased persons buried in the grounds of such association to other grounds, and to authorize the sale and conveyance of the grounds abandoned," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	Selkreg	
Bixby	Gerard	McCarthy	Starbuck	
Carpenter	Harris	Moore	Tobey	
Cole	Jacobs	Robertson	Wagner	
Coleman	Kennaday	Sayre	Wagstaff	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to confirm the title of certain lands conveyed to Josefa M. Mora, an alien," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Starbuck
Bixby	Gerard	McCarthy	Tobey
Carpenter	Harris	Moore	Veeder
Cole	Jacobs	Prince	Wagner

Coleman	Kennaday	Robertson	Wagstaff	
Doolittle	Lamont	Selkreg	Woodin	24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to incorporate the Veteran Guard of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Selkreg	
Bixby	Gerard	Moore	Tobey	
Carpenter	Harris	Prince	Wagner	
Cole	Kennaday	Robertson	Wagstaff	
Coleman	Loomis	Sayre	Woodin	
Doolittle				21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Loomis moved that when the Senate adjourns to-day it adjourn to meet on Monday evening at eight o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act supplementary to chapter 273 of the Laws of 1866, entitled 'An act authorizing the incorporation of associations to erect monuments, to perpetuate the memory of soldiers who fell in defense of the Union,' passed March 30, 1866," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	St. John	
Bixby	Gerard	McCarthy	Sayre	
Carpenter	Jacobs	Moore	Selkreg	
Cole	Kennaday	Prince	Tobey	
Coleman	Lamont	Robertson	Wagstaff	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 410 of the Laws of 1874, entitled 'An act to authorize towns and villages to provide a sinking fund for the payment of their bonded indebtedness,' so far as the same relates to the county of Chautauqua," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Kennaday	St. John	
Bixby	Emerson	Loomis	Selkreg	
Carpenter	Gerard	Moore	Starbuck	
Cole	Hammond	Prince	Tobey	
Coleman	Jacobs	Robertson	Wagner	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to prevent the taking of trout in the Owasco lake, in the county of Cayuga, for two years," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Selkreg	
Bixby	Gerard	McCarthy	Starbuck	
Carpenter	Hammond	Moore	Tobey	
Cole	Jacobs	Robertson	Wagner	
Coleman	Kennaday	St. John	Woodin	
Doolittle	Lamont			22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Union Stock Yard and Market Company,' passed May 7, 1872," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Starbuck	
Bixby	Gerard	McCarthy	Tobey	
Carpenter	Harris	Robertson	Vedder	
Cole	Jacobs	St. John	Wagner	
Coleman	Kennaday	Selkreg	Woodin	
Doolittle				21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to the improvement of the Racket river, and of the hydraulic power thereon, and to check freshets therein," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Starbuck	
Bixby	Gerard	Robertson	Tobey	

Carpenter	Harris	St. John	Vedder
Cole	Jacobs	Sayre	Wagner
Coleman	Kennaday	Selkreg	Woodin
Doolittle	McCarthy		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the village of Lima, Livingston county,' passed April 25, 1867," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Starbuck
Bixby	Gerard	Moore	Tobey
Carpenter	Harris	Robertson	Vedder
Cole	Jacobs	St. John	Wagner
Coleman	Kennaday	Selkreg	Wagstaff
Doolittle	Loomis		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act authorizing the supervisor and justices of the peace of the town of Avon, in the county of Livingston, to convey to the Avon Cemetery Association certain lands situate in the village of Avon," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Sayre
Bixby	Gerard	Moore	Selkreg
Carpenter	Harris	Morrissey	Starbuck
Cole	Jacobs	Robertson	Tobey
Coleman	Kennaday	St. John	Vedder
Doolittle	Lamont		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act legalizing and confirming a certain deed of real estate executed by M. Lindley Lee to Elizabeth Crumley, and also a certain deed executed by said Elizabeth Crumley to Jennie E. Crumley," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Selkreg
Bixby	Gerard	Morrissey	Starbuck

Carpenter	Jacobs	Robertson	Tobey
Cole	Kennaday	St. John	Vedder
Coleman	Lamont	Sayre	Wagner
Doolittle	McCarthy		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to incorporate the Whitehall Water-works Company and to enable the village of Whitehall to contract with said company for the use of water," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Selkreg
Bixby	Gerard	Moore	Starbuck
Carpenter	Harris	Morrissey	Tobey
Cole	Jacobs	Prince	Wagner
Coleman	Kennaday	Robertson	Woodin
Doolittle	Lamont	St. John	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to release to Mary Kinney the right, title and interest of the people of the State of New York, in and to certain real estate in the city of Utica," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Selkreg
Bixby	Harris	Morrissey	Starbuck
Cole	Jacobs	Prince	Tobey
Coleman	Kennaday	Robertson	Wagner
Doolittle	Lamont	St. John	Woodin
Emerson	McCarthy	Sayre	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to legalize the official acts of E. W. Sherman as notary public," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Selkreg
Bixby	Harris	Morrissey	Starbuck
Cole	Jacobs	Prince	Tobey

Coleman	Kennaday	Robertson	Vedder	24
Doolittle	Loomis	St. John	Wagner	
Emerson	McCarthy	Sayre	Woodin	

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to release the interest of the people of the State of New York, in certain real estate in the city of Troy, to Catharine Maginnis," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Jacobs	Prince	Starbuck	22
Bixby	Kennaday	Robertson	Tobey	
Cole	Loomis	St. John	Vedder	
Coleman	McCarthy	Sayre	Wagner	
Emerson	Moore	Selkreg	Woodin	
Gerard	Morrissey			

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 737 of the Laws of 1873, entitled 'An act in relation to the creation and formation of water-works companies in towns and villages of the State of New York,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Harris	Prince	Starbuck	22
Carpenter	Jacobs	Robertson	Tobey	
Cole	Loomis	St. John	Vedder	
Coleman	McCarthy	Sayre	Wagner	
Emerson	Moore	Selkreg	Woodin	
Gerard	Morrissey			

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend chapter 389 of the Laws of 1876, entitled 'An act to amend chapter 504 of the Laws of 1875, entitled An act to amend chapter 455 of the Laws of 1874, entitled An act to protect the fisheries of Cross lake, in the county of Onondaga, State of New York; also of Clyde and Seneca rivers, in the counties of Wayne and Cayuga,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:



## FOR THE AFFIRMATIVE.

Bixby	Harris	Morrissey	Selkreg
Carpenter	Jacobs	Prince	Starbuck
Cole	Kennaday	Robertson	Tobey
Doolittle	Loomis	St. John	Vedder
Emerson	McCarthy	Schoonmaker	Wagner
Gerard	Moore		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 101 of the Laws of 1862, entitled 'An act in relation to the support and custody of indigent insane persons of the county of Genesee,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Morrissey	Selkreg
Bixby	Jacobs	Prince	Tobey
Carpenter	Kennaday	Robertson	Vedder
Cole	Lamont	St. John	Wagner
Coleman	McCarthy	Sayre	Woodin
Doolittle	Moore		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the common council of the city of Watertown, to cancel and annul a bond executed and delivered to 'the city of Watertown' by Byron D. Adsit, with sureties, dated January 8, 1874, and to release and discharge the said Byron D. Adsit and his sureties from all liability thereon," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Sayre
Bixby	Gerard	Morrissey	Selkreg
Carpenter	Jacobs	Prince	Starbuck
Cole	Kennaday	Robertson	Tobey
Coleman	Lamont	St. John	Wagner
Doolittle			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide better facilities for the election of town officers in the town of Watervliet, Albany county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a major-

ity of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	St. John
Bixby	Gerard	McCarthy	Sayre
Carpenter	Harris	Moore	Selkreg
Cole	Jacobs	Morrissey	Starbuck
Coleman	Kennaday	Prince	Tobey
Doolittle	Lamont.	Robertson	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to incorporate the library and reading room of the village of Port Chester in Westchester county." was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Starbuck
Bixby	Harris	Morrissey	Tobey
Carpenter	Kennaday	Robertson	Vedder
Cole	Lamont	St. John	Wagner
Coleman	Loomis	Selkreg	Woodin
Emerson	McCarthy		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act further to amend chapter 591 of the Laws of 1871, entitled 'An act in relation to the bonded debt of the town of Eastchester, county of Westchester,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to re-enact and amend an act to provide for the annexation of the towns of Morrisania, West Farms and King's Bridge, in the county of Westchester, to the city and county of New York, passed May 23, 1873,' passed May 6, 1874," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Jacobs offered the following :

*Resolved*, That the committee on apportionment be directed to report within ten days, a bill redistricting the Senate districts and apportioning the Assembly districts of the State.

Mr. Woodin moved that said resolution be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Baaden	Emerson	Robertson	Vedder
Carpenter	Harris	Sayre	Wagner

Cole	McCarthy	Selkreg	Woodin	
Coleman	Moore	Tobey		15

## FOR THE NEGATIVE.

Bixby	Jacobs	Loomis	Starbuck	
Gerard	Kennaday	Morrissey	Wagstaff	
Hammond	Lamont	St. John		11

Mr. Woodin moved that the bill entitled "An act to amend chapter 465 of the Laws of 1875, entitled 'An act to require the payment of certain premiums to the fire departments of cities and incorporated villages by fire insurance companies not organized under the laws of the State of New York, but doing business therein,' passed May 28, 1875," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Wagstaff moved that the bill entitled "An act to provide for the restraint and abatement of nuisances by boards of health," be considered in first committee of the whole.

Pending which,

Mr. Jacobs moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Jacobs	Lamont	McCarthy	Selkreg	
Kennaday	Loomis	Sayre	Tobey	8

## FOR THE NEGATIVE.

Bixby	Emerson	Moore	Starbuck	
Carpenter	Gerard	Morrissey	Vedder	
Cole	Hammond	Robertson	Wagstaff	
Coleman	Harris	St. John	Woodin	
Doolittle				17

Mr. Jacobs moved to lay the motion of Mr. Wagstaff upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Kennaday	Loomis	McCarthy	
Jacobs				5

## FOR THE NEGATIVE.

Bixby	Gerard	St. John	Tobey	
Carpenter	Harris	Sayre	Vedder	
Coleman	Moore	Selkreg	Wagstaff	
Doolittle	Morrissey	Starbuck	Woodin	
Emerson	Robertson			18

Mr. Jacobs moved that the Senate do now take a recess until half-past seven o'clock, P. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Hammond	Jacobs	Kennaday		3
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## FOR THE NEGATIVE.

Baaden	Emerson	Morrissey	Starbuck
Bixby	Gerard	Robertson	Tobey
Carpenter	Harris	St. John	Vedder
Coleman	McCarthy	Sayre	Wagstaff
Doolittle	Moore	Selkreg	Woodin

20

Mr. Wagstaff, by unanimous consent, amended his motion so as to read, "that the consideration of said bill be made a special order for Tuesday next, immediately after the supply bill has been disposed of."

The President put the question upon said motion, as amended, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Prince offered the following:

*Resolved*, That Senate bill, Int. No. 457, G. O., 404, entitled "An act further to amend chapter 487 of the Laws of 1862, entitled 'An act defining and regulating the powers, duties and compensation of the captain of the port, and harbor-masters of the port of New York.'" be recommitted to the committee on commerce and navigation, retaining its place on general orders.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills and concurrent resolution entitled as follows:

"An act to amend chapter 465 of the Laws of 1875, entitled 'An act to require the payment of certain premiums to the fire departments of cities and incorporated villages, by fire insurance companies not organized under the Laws of the State of New York, but doing business therein,' passed May 28, 1875."

"Concurrent resolution, in the words following:

*Resolved* (if the Assembly concur), That section 6 of article 3 of the Constitution be amended so as to read as follows:

§ 6. Each member of the Legislature shall receive for his services an annual salary of \$1,000. The members of either house shall also receive the sum of one dollar for every ten miles they shall travel, in going to and returning from their place of meeting once in each session on the most usual route. Senators, when the Senate alone is convened in extraordinary session, or when serving as members of the court for the trial of impeachment, and such Members of the Assembly, not exceeding nine in number, as shall be appointed managers of an impeachment, shall receive an additional allowance of \$10 a day.

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that in conformity to section 1 of article 13 of the Constitution, it be published for three months previous to the time of such election."

"An act to amend chapter 173 of the Laws of 1875, entitled 'An act to provide for the better care of pauper and destitute children.'"

After some time spent therein, the President resumed the chair, and Mr. St. John, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. St. John, from the same committee, reported progress on said concurrent resolution, and asked and obtained leave to sit again.

Mr. St. John, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act to amend chapter 628 of the Laws of 1857, entitled 'An act to suppress intemperance, and to regulate the sale of intoxicating liquors,' passed April 16, 1857, and to amend an act entitled 'An act regulating the sale of intoxicating liquors, passed April 11, 1870,'" reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Coleman, from the committee on banks, to which was referred the Assembly bill entitled "An act extending the time for the organization of the New York Loan and Security Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Emerson asked and obtained leave to introduce a bill entitled "An act for the relief of Edward Williams," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

The President presented the Thirtieth Annual Report of the New York State Museum of Natural History, by the Regents of the University; which was laid upon the table and ordered printed.

(See Doc. No. .)

The Assembly returned the resolution requesting the Governor to return to the Senate the bill entitled "An act to authorize the police department or board of police of any city to appoint policemen of district telegraph companies," with a message that they had concurred in the same.

*Ordered*, That the Clerk deliver said resolution to the Governor.

On motion of Mr. Jacobs the Senate adjourned.

## MONDAY, APRIL 16, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of Friday, April 13, was read and approved.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 305 of the Laws of 1857, entitled 'An act to consolidate school districts No. 6 and No. 15 in the town of Mentz, in the county of Cayuga, into one school district, and to provide for the organization of a school and academy therein, and to enable the said district to loan money to erect the necessary buildings therefor,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act further to amend chapter 591 of the Laws of 1871, entitled 'An act in relation to the bonded debt of the town of Eastchester, county of Westchester,'" reported in favor of the passage

of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend chapter 18 of the Laws of 1862, entitled 'An act to revise the charter of the city of Utica,' also to authorize the common council of said city to raise money to provide for judgments against said city."

"An act to amend chapter 465 of the Laws of 1875, entitled 'An act to require the payment of certain premiums to the fire departments of cities and incorporated villages, by fire insurance companies not organized under the laws of the State of New York, but doing business therein.'"

"An act further to amend chapter 446 of the Laws of 1874, entitled 'An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylums for their treatment and safe-keeping, and the duties of the State Commissioner in Lunacy.'"

A message was received from the Governor in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, April 13, 1877. }

*To the Senate:*

In accordance with a joint resolution of the Senate and Assembly, I return herewith, for amendment, Senate bill No. 147, entitled "An act to authorize the police department or board of police of any city to appoint policemen of district telegraph companies." L. ROBINSON.

Mr. Prince moved that said bill be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly sent for concurrence the bills entitled as follows:

"An act to provide for rebuilding a town hall in Mexico, Oswego county," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on internal affairs.

"An act to authorize the board of education of the city of Brooklyn to establish a home or school of reform for truant children, and to transfer the truant home of the city of Brooklyn to the care and custody of the said board of education," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to provide for perfecting and perpetuating the right and title of the city of New York to property, water, water-rights and privileges heretofore taken or used, or which may be hereafter taken or used by said city, to increase the supply of pure and wholesome water for the use of said city, and to provide for the payment and extinguishment of all claims or damages growing out of such taking or using," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same:

"An act extending to corporations, located in and organized under the

laws of other States, certain rights and powers now possessed by similar corporations of this State."

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly returned the following entitled Assembly bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to amend chapter 435 of the Laws of 1868, entitled 'An act to incorporate the village of Hamilton, in the county of Madison, and repeal its present charter,' and to repeal chapter 250 of the Laws of 1870, chapter 18 of the Laws of 1874, and chapter 142 of the Laws of 1875."

"An act further to amend chapter 280 of the Laws of 1852, entitled 'An act further to amend the act entitled An act authorizing the incorporation of rural cemetery associations, passed April 27, 1847.'"

"An act to amend chapter 44 of the Laws of 1828, entitled 'An act relative to the common school fund of Edmeston, in the county of Otsego.'"

"An act to amend chapter 68 of the Laws of 1860, entitled 'An act to consolidate and amend the several acts relating to the village of Catskill.'"

"An act to amend chapter 385 of the Laws of 1871, entitled 'An act to authorize the appointment of a person to be public administrator in the county of Kings, and to determine the powers and duties of such officer.'"

"An act to amend chapter 395 of the Laws of 1859, entitled 'An act in relation to the colonial history of the State, and the natural history thereof.'"

"An act respecting the power of the Union Home and School for the education and maintenance of the children of our volunteers who are left unprovided for, to take and hold real and personal estate."

"An act to repeal certain provisions of chapter 4 of the Laws of 1862, entitled 'An act to secure the better application of funds to relieve the poor in the town of Little Falls, Herkimer county,' and to make the overseer of alms of said town, the overseer of the poor therein."

"An act to amend chapter 555, Laws of 1864, entitled 'An act to revise and consolidate the general acts relating to public instruction,' passed May 2, 1864."

*Ordered*, That the Clerk return said bills to the Assembly.

Mr. Hammond introduced a bill entitled "An act to amend chapter 177 of the Laws of 1872, entitled 'An act in relation to the establishment and care of a cemetery in the village of Geneva, Ontario county, and to provide means for the same,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend chapter 143 of the Laws of 1861, entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861, and the various acts amendatory thereof or relating to the city of Rochester."

"An act to authorize the mayor of any city in this State to appoint special policemen on application and at the expense of any bank or banks located in such city."

Assembly, "An act in relation to bets, wagers and pools."

After some time spent therein, the President resumed the chair, and

Mr. Carpenter, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Carpenter, from the same committee, reported in favor of the passage of the second named bill, with amendments, and have amended the title so as to read "An act to authorize the mayor or police commissioners of any city in this State, except the cities of New York, Brooklyn and Oswego, to appoint special policemen on application and at the expense of any bank or banks located in such city," which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Carpenter, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bill entitled as follows:

"An act to repeal chapter 628 of the Laws of 1871, entitled 'An act to alter the map or plan of the city of New York by laying out a public place for a parade ground, and to authorize the taking of the same,' passed April 20, 1871."

"An act to provide for payment for uniforms and equipments of the Ninth Regiment National Guard, State of New York, worn out and lost in the service of the United States during the late war."

"An act amendatory of an act entitled 'An act changing the name of the Beach Pneumatic Transit Company to the Broadway Underground Railway Company, and extending its powers,' passed May 20, 1874."

After some time spent therein, the President resumed the chair, and Mr. Prince, from said committee, reported progress on the first and second named bills, and asked and obtained leave to sit again.

Mr. Morrissey moved that said first named bill be recommitted to the committee on the affairs of cities, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Prince, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

By unanimous consent, Mr. Schoonmaker asked and obtained leave to introduce a bill entitled "An act to amend chapter 830 of the Laws of 1873, entitled 'An act to legalize the adoption of minor children by adult persons,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to declare Chipmunk creek, in Cattaraugus county, a public highway."

Assembly, "An act to authorize the payment of certain moneys out of the State Treasury to the heirs-at-law of Maria Brimmayer, deceased."

Assembly, "An act to amend section 50 of article 3, title 1 of chapter 16 of the first part of the Revised Statutes, in relation to highways, amended by chapter 791 of the Laws of 1868, and by chapter 461 of the Laws of 1870."

After some time spent therein, the President resumed the chair, and Mr. Coleman from said committee, reported in favor of the passage of the



first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Coleman, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Coleman, from the same committee, reported in favor of the passage of the last named bill, with amendments, and the title amended so as to read "An act further to amend section 50 of article 3, title 1 of chapter 16 of the first part of the Revised Statutes, in relation to highways," which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to provide for the raising of moneys to defray the expense of paving Boston avenue and Third avenue, from Westchester avenue to the northerly boundary of the Twenty-third ward, in the city of New York."

Assembly, "An act to amend chapter 742 of the Laws of 1871, entitled 'An act in relation to storage and the keeping of combustible material in the city of New York, the use and control of the fire alarm telegraph, the incumbrance of hydrants, and other purposes connected with the prevention and extinguishment of fires therein, and imposing certain powers and duties upon the board of fire commissioners of the said city.'"

Assembly, "An act to amend chapter 381 of the Laws of 1875, entitled 'An act supplemental to an act entitled An act to provide for the incorporation of religious societies, passed April 5, 1813, and of the several acts amendatory thereof.'"

After some time spent therein, the President resumed the chair, and Mr. Moore, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Moore, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to provide for deficiencies in appropriations for the poor in the county of Kings."

"An act to amend chapter 388 of the Laws of 1876, entitled 'An act to enlarge the powers of the Canal Board.'"

After some time spent therein, the President resumed the chair, and Mr. Kennaday, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Kennaday, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

By unanimous consent, Mr. Carpenter asked and obtained leave to introduce a bill entitled "An act to authorize the board of education of the city of Poughkeepsie to appoint a superintendent of public schools and fix his compensation," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Carpenter, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

On motion of Mr. Cole, the Senate adjourned.

## TUESDAY, APRIL 17, 1877.

• The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

The President announced the special order being the Assembly bill entitled "An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations."

Mr. Sayre moved that the consideration of the special order be deferred for ten minutes.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Doolittle presented a remonstrance of 500 citizens of Oswego, against the passage of Senate bill legalizing the acts of boards of excise of the State; which was read and committed to the committee of the whole.

Mr. Sprague presented a remonstrance of citizens of Buffalo, against the bill to re-organize the fire department of the city of Buffalo; which was read and referred to the committee on the judiciary.

The bill entitled "An act to amend chapter 18 of the Laws of 1862, entitled 'An act to revise the charter of the city of Utica,' also to authorize the common council of said city to raise money to provide for judgments against said city," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

### FOR THE AFFIRMATIVE.

Bradley	Gerard	Moore	Schoonmaker	
Carpenter	Harris	Prince	Selkreg	
Cole	Jacobs	Robertson	Tobey	
Coleman	Loomis	St. John	Vedder	
Doolittle	McCarthy	Sayre	Wagner	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same:

"An act relating to the payment of assessments for local improvements in the city of New York."

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly returned the following entitled Assembly bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to amend chapter 76 of the Laws of 1850, entitled 'An act to

revise and consolidate the laws in relation to the village of Whitehall, passed March 16, 1850, and the other acts amendatory thereof.”

“An act to amend chapter 443 of the Laws of 1876, entitled ‘An act supplemental to the act entitled An act to revise the charter of the city of Syracuse,’ passed March 3, 1857, and the acts amendatory thereto.”

“An act to establish a fire department in the second school district of the town of Glenville, in the county of Schenectady, and for the government and maintenance of the same.”

*Ordered,* That the Clerk return said bills to the Assembly.

By unanimous consent, Mr. Sprague asked and obtained leave to introduce a bill entitled “An act authorizing the Buffalo City cemetery to convey to the city of Buffalo certain lands for a street,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Sprague asked and obtained leave to introduce a bill entitled “An act authorizing the park commissioners of the city of Buffalo, to transfer to said city their jurisdiction and control over certain lands taken for a park, and embraced in that part of Delaware street laid out by said commissioners, and conferring on said city jurisdiction and control over such part of said street,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The Senate then resolved itself into a committee of the whole and proceeded to the consideration of the special order, being the bill entitled as follows :

Assembly, “An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations.”

After some time spent therein, the President resumed the chair, and Mr. Doolittle, from said committee, reported progress on the said named bill, and asked and obtained leave to sit again.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled “An act to provide for rebuilding a town hall in Mexico, Oswego county,” reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Jacobs, the Senate took a recess until half-past seven o'clock, P. M.

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#### HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

The Senate, in committee of the whole, resumed the consideration of the special order, being the bill entitled as follows :

Assembly, “An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations.”

After some time spent therein, the President resumed the chair, and Mr. Doolittle, from said committee, reported progress on the said named bill, and asked and obtained leave to sit again.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled “An act authorizing the Buffalo City Cemetery to convey to the city of Buffalo certain lands for a street,” reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend chapter 326 of the Laws of 1874, entitled 'An act to provide for improvements in and adjoining the first ward of Long Island City,' " reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to authorize a recovery at law for certain printing done for, and stationery furnished to the boards of aldermen and assistant aldermen in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to enable the city of Brooklyn to raise further means for the improvement and sale of certain portions of Prospect park, in said city," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to authorize the common council of the city of Lookport, to raise by tax and disburse money in finishing Washington hose carriage-house, in said city," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act to amend the charter of the city of Brooklyn and the various amendments thereof, passed June 28, 1873, and to further amend the charter of the city of Brooklyn, as amended by an act for that purpose passed June 1, 1874, and as further amended by an act for that purpose, entitled 'An act to amend the charter of the city of Brooklyn, being the act for that purpose, passed June 28, 1873, and the act for that purpose passed June 1, 1874,' passed June 21, 1875, and as further amended by an act for that purpose entitled 'An act to amend section 23, title 2 of the amended charter of the city of Brooklyn, passed June 28, 1873,' passed May 15, 1876," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act authorizing the park commissioners of the city of Buffalo, to transfer to said city their jurisdiction and control over certain lands taken for a park, and embraced in that part of Delaware street laid out by said commissioners, and conferring on said city jurisdiction and control over that part of said street," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly returned the bill entitled "An act to authorize the trustees of the New York and Brooklyn bridge to change the sight of a portion of Frankfort street, between Pearl and Jacob streets, in the city of New York," with a message that they had concurred in the passage of the same, with the following amendment:

Section 1, line 9, strike out after the word "than" the words "forty feet," and insert in lieu thereof the words "fifty-two feet and six inches."

The President put the question whether the Senate would concur in said amendment, and it was decided in the affirmative, a majority of all

the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	Loomis	Selkreg
Bradley	Gerard	McCarthy	Starbuck
Carpenter	Hammond	Moore	Vedder
Cole	Harris	Morrissey	Wagner
Coleman	Jacobs	Robertson	Wagstaff
Doolittle	Kennaday	Schoonmaker	

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly sent for concurrence the bills entitled as follows:

Assembly, "An act to amend chapter 237 of the Laws of 1869, entitled 'An act to amend an act entitled An act to authorize the formation of railroad corporations and to regulate the same, passed April 2, 1850,' passed April 17, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act relating to the operations of the United States coast survey in the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to confer certain powers and privileges upon the New York Academy of Medicine," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to facilitate the construction of railroads and tram roads within the counties of Essex and Clinton, and to authorize the formation of companies therefor, passed April 14, 1865,' and to extend the same to all counties of this State except New York and Kings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to release the interest of the people of the State of New York in certain real estate in the city of Brooklyn, county of Kings, to Ellen Allman, widow of Otto Allman," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to further amend chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Woodin arose to a question of privilege, and offered the following:

*Whereas*, An alleged statement of William M. Tweed, published in the New York World of to-day, states, among other things, that "the person whose influence was most valuable to Tweed was considered to be State Senator Woodin of Auburn, and he (Tweed), therefore approached that gentleman, through State Senator Winslow, \* \* \* that \$200,000 was paid to Senator Winslow with the understanding that it was to be used in securing the passage of the charter, and that he

(Tweed), had assurances that said sum was divided among the certain parties, among whom was Senator Woodin, and

*Whereas*, Said alleged statement further states that \$20,000 was paid to Hugh Hastings, with the understanding that the money was also to go to Senator Woodin, therefore

*Resolved*, That be and they are hereby appointed a committee to take testimony, with power to send for persons and papers, and if need be, to sit in New York city, and fully investigate whether said Woodin ever received or promised to receive any portion of the moneys hereinbefore referred to, and to report to the Senate, within ten days, the testimony together with their conclusions thereon, and said committee are hereby authorized to command the services of the sergeant-at-arms of the Senate, and also employ a stenographer.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Harris moved that the committee proposed be composed of four Senators, two from each of the political parties represented in the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee Messrs. Carpenter, Sprague, Schoonmaker and Bradley.

The Senate, in committee of the whole, again resumed the consideration of the special order, being the bill entitled as follows:

Assembly, "An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations."

After some time spent therein, the President resumed the chair, and Mr. Doolittle, from said committee, reported progress on the said named bill, and asked and obtained leave to sit again.

Mr. Harris moved that the further consideration of said bill be made a special order for to-morrow morning, immediately after reading the journal.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Wagstaff offered the following:

*Resolved*, That a respectful message be sent to the Honorable the Assembly, requesting the return to the Senate of Assembly bill entitled "An act further to amend chapter 338 of the Laws of 1875, entitled 'An act to amend an act entitled An act for the relief of surviving members of the First Regiment of New York Volunteers who served in the war with Mexico,' for amendment.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

On motion of Mr. Cole, the Senate adjourned.

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WEDNESDAY, APRIL 18, 1877.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Morrow.

The journal of yesterday was read and approved.

The Senate resolved itself into a committee of the whole and proceeded to the consideration of the special order, being the bill entitled as follows:

Assembly, "An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations."

After some time spent therein, the hour of twelve o'clock having arrived, the President resumed the chair and announced executive session.

Mr. Woodin moved that executive session be postponed until a quarter before two o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate, in committee of the whole, resumed the consideration of the special order, being the bill entitled as follows:

Assembly, "An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations."

After some time spent therein, the President resumed the chair, and Mr. Doolittle, from said committee, reported progress on the said named bill, and asked and obtained leave to sit again.

The Senate then went into executive session, and after some time spent therein the doors were opened and the Senate resumed legislative business.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend chapter 177 of the Laws of 1872, entitled 'An act in relation to the establishment and care of a cemetery in the village of Geneva, Ontario county, and to provide means for the same,'" reported in favor of the passage of the same.

On motion of Mr. Hammond, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading and printed.

Mr. Harris moved that the further consideration of the Assembly bill entitled "An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations," be made a special order for to-morrow morning, immediately after reading the journal.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to authorize the board of education of the city of Poughkeepsie to appoint a superintendent of public schools, and fix his compensation."

"An act amendatory of chapter 503 of the Laws of 1874, entitled 'An act entitled An act changing the name of the Beach Pneumatic Transit Company, to the Broadway Underground Railway Company, and extending its powers.'"

"An act to declare Chipmunk creek, in Cattaraugus county, a public highway."

"An act to provide for the raising of moneys to defray the expense of paving Boston avenue and Third avenue, from Westchester avenue to the northerly boundary of the Twenty-third ward in the city of New York."

"An act to authorize the mayor of any city in this State, to appoint special policemen on application and at the expense of any bank or banks located in such city."

"An act to provide for deficiencies in appropriations for the poor in the county of Kings."

The President presented a resolution of the Union League Club of New York, relative to the act to prevent the selling of pools; which was read and committed to the committee of the whole.

Also, resolutions of the Union League Club of New York, relative to the concurrent resolutions proposing amendments to the Constitution as proposed by the municipal commission; which was read and committed to the committee of the whole.

Mr. Sprague presented a remonstrance of citizens of Buffalo, against any law diminishing the excise restrictions prescribed by the law of 1857; which was read and committed to the committee of the whole.

Also, resolutions upon the same subject, adopted by the Buffalo Union Temperance Prayer Meeting; which was read and committed to the committee of the whole.

Mr. Moore presented a petition of citizens of Gouverneur, St. Lawrence county, for the passage of an act to prevent deception in the sale of butter and cheese; which was read and committed to the committee of the whole.

The Assembly returned the bill entitled as follows :

"An act to authorize the trustees of the New York and Brooklyn bridge to change the site of a portion of Frankfort street, between Pearl and Jacob streets, in the city of New York."

*Ordered*, That the Clerk deliver said bill to the Governor.

On motion of Mr. Hammond, the Senate adjourned.

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## THURSDAY, APRIL 19, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

The Senate resolved itself into a committee of the whole and proceeded to the consideration of the special order, on the bill entitled as follows :

Assembly, "An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations."

After some time spent therein, the President resumed the chair, and Mr. Doolittle, from said committee, reported progress on the said named bill, and asked leave to sit again.

Mr. Harris moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading, and printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Gerard asked and obtained leave to introduce a bill entitled "An act to organize the Senate districts, and for the apportionment of the Members of Assembly of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the special committee on apportionment.

Mr. Gerard moved that said bill be printed, pending its consideration by the committee on apportionment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.



By unanimous consent, Mr. Prince asked and obtained leave to introduce a bill entitled "An act to amend chapter 236 of the Laws of 1875, entitled 'An act to prohibit the throwing of cinders, ashes, refuse or garbage into the waters of Long Island sound, and into the bays and harbors opening into the same,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Prince, from the committee on commerce and navigation to which was referred the bill entitled "An act to amend chapter 236 of the Laws of 1875, entitled 'An act to prohibit the throwing of cinders, ashes, refuse or garbage into the waters of Long Island sound, and into the bays and harbors opening into the same,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Prince moved that said bill be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to re-enact and amend an act to provide for the annexation of the towns of Morrisania, West Farms and King's Bridge, in the county of Westchester, to the city and county of New York, passed May 23, 1873,' passed May 6, 1874," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend an act passed May 3, 1870, entitled An act to amend the act to incorporate the city of Troy, passed April 12, 1876, and the several acts amendatory thereto, and also to amend other acts relating to the city of Troy, passed March 23, 1872,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to confirm the proceedings taken by the common council of the city of Buffalo, to clean the sewer in Wadsworth street, between Hudson and Pennsylvania streets, in said city," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to authorize the board of education of the city of Brooklyn to establish a home or school of reform for truant children, and to transfer the truant home of the city of Brooklyn to the care and custody of the said board of education," reported in favor of the passage of the same (Mr. Jacobs, dissenting), and said bill was committed to the committee of the whole.

Mr. Jacobs moved that said bill be recommitted to the committee on the affairs of cities."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Bixby asked and obtained leave to introduce a bill entitled "An act to repeal chapter 250 of the Laws of 1853, entitled 'An act relating to incorporated banks, banking associations and individual bankers, located in the city of New York,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend chapter 863 of the Laws of 1873, entitled 'An act to amend the charter of the city of Brooklyn, and the various amendments thereof, passed June 28, 1873, and to further amend the charter of the city of Brooklyn,' as amended by an act for that purpose, passed June 1, 1874, and as further amended by an act for that purpose entitled 'An act to amend the charter of the city of Brooklyn, being the act for that purpose, passed June 28, 1873, and the act for that purpose, passed June 1, 1874,' passed June 21, 1875, and the act for that purpose, passed May 15, 1876," reported adversely thereto.

Mr. Jacobs moved that said report be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Selkreg, from the committee on railroads, to which was referred the bill entitled "An act to amend chapter 198 of the Laws of 1876, entitled 'An act to amend chapter 140 of the Laws of 1850, entitled An act to authorize the formation of railroad corporations, and regulate the same,' reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Selkreg, from the committee on railroads, to which was referred the Assembly bill entitled "An act to amend chapter 237 of the Laws of 1869, entitled 'An act to amend an act entitled An act to authorize the formation of railroad corporations, and to regulate the same, passed April 2, 1850,' passed April 17, 1869," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to amend chapter 596 of the Laws of 1874, entitled 'An act to incorporate the Manhattan Mortgage Company,' reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act to authorize the trustees of the incorporated rural cemeteries to register the lots thereof, and to impose a tax upon the lot owners in said cemeteries, in the counties of Kings and Queens," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same:

"An act authorizing and confirming a lease made by Benjamin Lewis and other Seneca Indians to George A. Berry, of the right to transmit crude petroleum oil through a pipe over certain lands on the Allegany reservation, and authorizing said George A. Berry to use such lands for that purpose."

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly returned the following entitled Assembly bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act in relation to the indictment and punishment of criminal offenses committed on railroads within the State."

"An act to amend chapter 395 of the Laws of 1873, entitled 'An act to alter the system of repairing the highways.'"

"An act to prevent the taking of trout in the Owasco lake, in the county of Cayuga, for two years."

*Ordered*, That the Clerk return said bills to the Assembly.

On motion of Mr. Kennaday, the Senate took a recess until half-past seven o'clock P. M.

### HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Butchers' Hide and Melting Association of the city of New York, passed April 8, 1865,'" reported adversely thereto, which report was agreed to, and said bill rejected.

The Assembly sent for concurrence the bills entitled as follows :

"An act to authorize the Arotic Fire Insurance Company of New York to amend its charter, and to extend its powers and privileges thereunder," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

"An act to incorporate Crystal Hose Company No. 1 of the city of Binghamton, New York," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Selkreg, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

"An act to amend section 3, article 2, title 6, chapter 6, part 1 of the Revised Statutes, in relation to the election of president and vice-president," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend chapter 385 of the Laws of 1867, entitled 'An act to incorporate the village of Warwick,' as amended by chapter 481 of the Laws of 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to enable the presidents, directors and companies of the Catskill Mountain and Susquehanna turnpike roads to abandon parts of their roads," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to authorize the trustees of the Baptist church and society of Hoosick, New York, to remove the dead from their burying ground to the cemetery, and to authorize them to sell their burying ground," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act to amend chapter 617 of the Laws of 1873, entitled 'An act regulating the deposit of securities by plate-glass insurance companies,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

"An act in relation to the government of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act relative to summary proceedings to recover the possession of lands for non-payment of rent, and for holding over after expiration of term, in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize the president and directors of the Charlotte Turnpike Company to abandon their road and for other purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to provide means for the support of the Inebriates' Home for Kings county, and for the government of the said Home, and to amend the several acts relating thereto, passed May 9, 1867, April 30, 1868, May 14, 1872 and June 21, 1875."

"An act to authorize the village of Sag Harbor, Suffolk county, to borrow money for purchasing a fire apparatus, with the necessary appurtenances therefor, and to secure a supply of water therefor."

"An act to amend section 42 of article 3 of title 1 of chapter 8 of part 2 of the Revised Statutes, entitled 'Of divorces dissolving the marriage contract.'"

*Ordered,* That the Clerk return said bills to the Assembly.

The Assembly returned the Assembly bill entitled as follows:

"An act authorizing and empowering the common council of the city of Rochester to construct a turn-table or swing-bridge over the Erie canal, in Allen street, in the city of Rochester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Robertson, from the committee on the judiciary, to which was referred the message of the Governor in relation to De Witt C. Ellis, Superintendent of the Banking Department, presented the following report:

*To the Senate:*

The judiciary committee, to which was referred the message of the Governor recommending the removal of De Witt C. Ellis as Superintendent of the Bank Department, report that he was duly served with a copy of the charges transmitted to the Senate by the Governor, and notified to appear before the committee on the 17th inst., at which time he did appear and denied all the material allegations in said charges contained, and requested an early and thorough investigation thereof, either before the Senate or its committee, as the Senate might direct.

The committee, therefore, propose the following resolution and recommend its adoption:

*Resolved,* That the committee on the judiciary be discharged from the further consideration of the message of the Governor, recommending the removal of De Witt C. Ellis as Superintendent of the Bank Department, and the accompanying charges, and that the same be referred to the committee on banks for the purpose of investigating the truth of said charges, with power to send for persons and papers, to employ a stenographer, and also a messenger, if they deem it expedient to do so, and that they report to the Senate the testimony taken therein.

W. H. ROBERTSON,

*Chairman Judiciary Committee.*

April 19, 1877.

[SENATE JOURNAL.]

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative.

Mr. Robertson introduced a bill entitled "An act to further amend chapter 11 of the Laws of 1849, entitled 'An act relating to highways in the towns of Eastchester and White Plains,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Sayre presented a report of the Managers of the Protectorate and Reformatory for Destitute Children from Oneida and adjacent counties; which was laid upon the table and ordered printed.

(See Doc. No. 52.)

The bill entitled "An act to provide for deficiencies in appropriations for the poor in the county of Kings," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate, voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	Sprague
Bixby	Hammond	Robertson	Starbuck
Bradley	Jacobs	St. John	Wagner
Carpenter	Kennaday	Sayre	Wellman
Coleman	Lamont	Selkreg	Woodin
Doolittle			

21

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act to provide for the raising of moneys to defray the expenses of paving Boston avenue and Third avenue, from Westchester avenue to the northerly boundary of the Twenty-third ward, in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Selkreg
Bixby	Gerard	Prince	Sprague
Bradley	Harris	Robertson	Starbuck
Carpenter	Jacobs	St. John	Wagner
Coleman	Kennaday	Sayre	Wellman
Doolittle	Loomis		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the board of education in the city of Poughkeepsie, to appoint a superintendent of public schools, and fix his compensation," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Prince	Sprague
Bradley	Harris	Robertson	Starbuck

Carpenter	Jacobs	St. John	Vedder	
Coleman	Kennaday	Sayre	Wagner	
Doolittle	Moore	Selkreg	Wellman	20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act amendatory of chapter 503 of the Laws of 1874, entitled 'An act changing the name of the Beach Pneumatic Transit Company to the Broadway Underground Railway Company, and extending its powers,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Selkreg	
Bixby	Harris	Prince	Sprague	
Carpenter	Jacobs	Robertson	Vedder	
Coleman	Kennaday	St. John	Wagner	
Doolittle	McCarthy	Sayre	Wellman	
Emerson				21

## FOR THE NEGATIVE.

Starbuck				1
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*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Doolittle, and by unanimous consent, the rules were suspended and the committee of the whole was discharged from the further consideration of the Assembly bill entitled "An act to provide for rebuilding a town hall in Mexico, Oswego county," and the same was ordered to a third reading.

The bill entitled "An act to authorize the mayor of any city in this State to appoint special policemen on application and at the expense of any bank or banks located in such city," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Sayre	
Bixby	Gerard	McCarthy	Selkreg	
Bradley	Harris	Moore	Sprague	
Carpenter	Jacobs	Prince	Starbuck	
Coleman	Kennaday	Robertson	Wagner	
Doolittle	Lamont	St. John	Wellman	24

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to declare Chipmunk creek, in Cattaraugus county, a public highway," having been announced for a third reading,

On motion of Mr. Vedder, and by unanimous consent, said bill was amended as follows:

Strike out section 2 and insert the following:

§ 2. Any person willfully obstructing said creek by booms or otherwise, so as to prevent or obstruct the passage of logs, timber, rafts

boats or floats, shall be liable to a penalty of \$25 for each day of such obstructions, to be sued for and collected by any person aggrieved thereby.

§ 3. The damages sustained by the riparian owners on said creek, shall be assessed by three commissioners to be appointed by the supreme court, the report of said commissioners to be filed in said court.

§ 4. The occupant of any land on said creek, or any other person, may apply to the supreme court, at any term thereof, for the appointment of three commissioners, ten days' written notice of such application shall be given by the applicant to the owners or occupants of lands on said creek affected hereby, by serving the same personally or leaving the same at the residence of such owner or occupant.

§ 5. The said commissioners shall take the constitutional oath of office, give at least ten days' notice of the time and place of such assessment of damages to such owners or occupants, shall view the premises and hear any proof and allegations offered by any of the owners of any of the land over and above which said creek flows, and shall make their appraisal in writing, and certify their fees and charges, and deliver such appraisal in the Cattaraugus county clerk's office. Said clerk shall lay the same before the board of supervisors of said county. The board of supervisors aforesaid shall cause the said damages together with the fees and charges of said commissioners to be levied and collected as other county charges are raised, and the money, when collected, shall be paid to the county treasurer, who shall pay said commissioners and owners. Said commissioners shall each receive the sum of \$3 per day for the time employed by them.

§ 6. Any riparian owner aforesaid may release to the people of the State all claims for damage provided for under this act; such release shall be filed in the Cattaraugus county clerk's office by the said owner or any commissioner, appointed under this act, to whom such notice may be given.

§ 7. This act shall take effect immediately.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Harris	Prince	Starbuck
Carpenter	Kennaday	Robertson	Vedder
Coleman	Lamont	St. John	Wagner
Doolittle	Loomis	Sayre	Wellman
Emerson	McCarthy	Selkreg	Woodin
Gerard	Moore		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Woodin moved to take from the table the motion to reconsider the vote by which section 6, contained in the concurrent resolutions in the words following, was lost:

*Resolved* (if the Assembly concur), That the Constitution be amended by adding thereto a new article, to be known as article 17, and to read as follows:

## ARTICLE XVII.

SECTION 1. The power of the Legislature to provide for the organization and government of cities, shall be exercised in accordance with the provisions, and subject to the limitations and restrictions hereinafter contained, and the powers and franchises of every existing city government must be exercised in conformity therewith. The Legislature shall, at its first session after the adoption of this article, provide by law for carrying into effect all the provisions contained therein.

§ 2. City elections shall be held separately from the State and national elections, and in March or April.

§ 3. The legislative power conferred on any city shall be vested in a board of aldermen, to be elected by the electors qualified under article second of the Constitution, which shall be the common council of said city; but no power hereinafter vested in the board of finance shall be conferred on or exercised by the board of aldermen. In case of a veto of any legislative act of the board of aldermen by the mayor, the board shall have power to pass the same, notwithstanding the mayor's veto, by a recorded vote of two-thirds of all the members elected, provided that such vote be taken at the next meeting of the board after the communication of the veto.

§ 4. The executive power of every city shall be vested in the mayor, and in such executive officers and departments as may be created by law. The mayor shall be the chief executive officer of the city, and he shall see to the faithful performance of their duties by the several executive officers and departments thereof. He shall be elected by electors qualified under article second of the Constitution, for such term, and he shall receive such compensation as the Legislature may prescribe. He shall nominate and, with the consent of the board of finance, appoint the chief officer or head of the financial department, and the chief law officer or head of the law department; and he shall have power to appoint the head or chief officers of the other executive departments. With the written approval of the Governor, the mayor may remove the head or chief officers of any executive department. He shall have power to investigate their accounts and proceedings; have access to all books and documents in their offices, and may examine them and their subordinates under oath, as to all matters relating to the performance of their official duties. He shall also have power to veto any legislative act of the board of aldermen. The mayor may be removed by the Governor for cause, as in the case of sheriffs; and in case of such removal, the Governor shall appoint a mayor to fill the vacancy, who shall hold office until the next succeeding city election, at which election a mayor shall be elected for the full term of the office. The Legislature shall provide for the filling of a vacancy in the office of mayor, otherwise occurring, until the next succeeding city election, and also for the discharge of the duties of the mayor during his temporary absence or disability. Heads of departments shall have power to appoint and remove their subordinate officers and employes, but the Legislature may regulate by law the qualifications for such appointments, and the conditions of such removals.

§ 5. There shall be elected in every city of this State a board of finance, to consist of not less than six, nor more than fifteen members, who shall possess the qualifications hereinafter prescribed for electors of members of said board.



§ 6. In cities having a population, according to the State census next preceding the election, of over 100,000 inhabitants, the board of finance shall be elected by the electors of the city (otherwise qualified under article second of the Constitution), who shall, for two years next preceding the election, have paid an annual tax on property owned by them, and officially assessed for taxation in such city, of the assessed value of not less than \$500, or shall have actually paid during the same period a yearly rent for premises in said city occupied by them for purposes of residence or lawful business, of not less than \$250. In cities having a population according to the State census next preceding the election of not more than 100,000 inhabitants, the board of finance shall be elected by the electors of the city (otherwise qualified under article second of the Constitution), who shall, for two years next preceding the election, have paid an annual tax on property owned by them and officially assessed for taxation in such city, or who shall have actually paid during the same period a yearly rent for premises in said city occupied by them for purposes of residence or lawful business of not less than \$100.

§ 7. In cities having a population, according to the State census next preceding the election, of not more than 25,000 inhabitants, the board shall consist of six members. In cities having a population of over 25,000 inhabitants, and not more than 50,000, it shall consist of nine members. In cities having a population of over 50,000 inhabitants, and not more than 100,000, it shall consist of twelve members; and in cities having a population of over 100,000 inhabitants, it shall consist of fifteen members. At the first election one-third of the board shall be elected for a term of one year, one-third thereof for a term of two years, and one-third thereof for a term of three years; and thereafter the term of office shall be three years. The existence of any vacancy in the board shall not of itself suspend the exercise of its powers and duties. The Legislature shall, at its first session after the adoption of this article, and thereafter, from time to time, as may be necessary, provide by general law for the registration, in every city, of electors qualified to vote for the board of finance, and for filling vacancies in said board, and may change the number of members of which the said board shall consist in any city, provided that the number shall not, in any case, be less than six, and that one-third of the board shall be elected annually.

§ 8. The board of finance shall, in every fiscal year, make estimates of the sums of money necessary for the proper administration of the city government during the next fiscal year, and which are to be raised by taxation or supplied by the revenue of the city derivable from other sources and applicable to general purposes. Such estimates shall include the sums requisite for the payment of the interest on bonds or other city debts drawing interest, the principal of any debts payable during the year, judgments against the city, the sums sufficient to make good all deficiencies in the payment of taxes on personal estate for the last preceding year, and any deficiencies in the collection of taxes on real estate for any preceding year which may be found by the board to be uncollectible, and also any deficiencies in the collection of the estimated revenues from other sources, and all other sums required by law to be raised by taxation. The estimates shall also separately state the aggregate amount of moneys in the treasury or receivable during the next fiscal year, applicable to general purposes, in which may be included any prior unexpended appropriations which, in the judgment of the board, may not be required to meet existing liabilities; and shall, in like manner,

separately state the aggregate amount to be raised by taxation. The board shall submit the estimates, when completed, to the mayor, who shall, within ten days thereafter, return the same to the board, with his approval, or with his objection, if any he have, in writing, specifying the items objected to; and the items thus objected to, but no others, shall be reconsidered and finally determined by the board. The board shall, after the return of the estimates by the mayor, and the action of the board upon the items objected to, if any, or in the event of a failure of the mayor to return the same as above required, proceed, by resolution, to declare the estimates to be final and adopted, and the several sums of money therein estimated as necessary, shall become and be appropriated to and for the departments and officers therein mentioned, and for the objects and purposes therein mentioned. The aggregate amount to be raised by taxation shall be stated in such resolution, and shall thereupon be levied and collected in the manner provided by law for the levying and collecting of the city taxes. The board of finance may, during any current fiscal year, by a unanimous vote and with the approval of the mayor, in case of pestilence, conflagration or other unforeseen public calamity, transfer sums of money appropriated to one department, object or purpose, and not required to satisfy existing liabilities, to another department, object or purpose. A vote of a majority of the entire board shall be necessary to the passage of any measure or resolution; and a vote of two-thirds of the entire board shall be necessary to the adoption of the estimates hereinbefore provided for, or any item thereof, or to authorize the issue of any stock or bonds, and in such other cases as are hereinafter specified. It shall be the duty of the several departments, boards and officers, and the common council, to furnish all such statements and accounts as the board of finance may require, and at such times and in such manner as the said board may prescribe; and the board of finance shall also have power to examine the books and papers of the several executive departments and officers, and to examine such officers upon oath, concerning their official business.

§ 9. No debt or liability shall be incurred by any department, board or any officer in any city, unless there shall be at the time an unexpended appropriation applicable thereto sufficient to satisfy the same and all debts and liabilities previously incurred and payable out of such appropriation; and all contracts and engagements in contravention hereof shall be void. Nor shall any debt or liability of the city be paid, except out of money in the treasury appropriated to the purpose of paying such debt or liability. No city government, or any department thereof, shall grant any extra compensation to any officer, servant, agent, contractor or employe.

§ 10. The Legislature shall itself have no power to pass any law for the opening, making, paving, lighting or otherwise improving or maintaining streets, avenues, parks or places, docks or wharves, or for any other local work or improvement in or for a city, but all authority necessary for such purposes shall be by law conferred on the city government; nor shall the Legislature impose any charge on any city or civil division of the State containing a city, except by a vote of two-thirds of all the members elected to each house. Any local work or improvement, in or for a city, the cost of which is to be wholly paid by the city at large, must be authorized by resolution, passed by the vote of two-thirds of all the members elected to the board of aldermen and board of finance, respectively. Any such work or improvement, the cost of which is to be wholly paid otherwise than by the city at large, must be authorized

by the vote of two-thirds of all the members elected to the board of aldermen, with the consent of a majority in interest, to be ascertained in such manner as the Legislature may prescribe, of all the owners of land within the district of assessment limited for the cost of such work or improvement. Any such work or improvement, the cost of which is to be paid in part by the city at large, and in part by local assessment, must be authorized by a resolution passed by the vote of two-thirds of all the members elected to the board of aldermen and board of finance, respectively, with the consent of a majority in interest, to be ascertained as hereinbefore directed, of all the owners of the land within the prescribed district of assessment.

§ 11. No money shall be borrowed by any city government for the purpose of defraying any of the expenses of the city for which an appropriation has been made, except in anticipation of the revenue of the year in which the same may be borrowed, applicable to such purposes; and all moneys so borrowed must be paid out of such revenue, or out of revenues specially provided to supply any deficiency in the collection thereof; provided, however, that temporary loans, in anticipation of taxes, may be renewed, so far as such taxes may not have been collected, when the same are, in the opinion of the board, fully secured by valid liens on real estate. No city shall borrow any money for any other purpose, except under and in accordance with the following conditions and limitations, in addition to any other conditions and limitations contained in the Constitution:

1. The debt must be for some single work or object only, and must be authorized by a resolution passed by a vote of two-thirds of all the members of the board of finance, and approved by the mayor, distinctly specifying such work or object, and the amount of the debt to be incurred.

2. The Legislature must, before the creation of such a debt, assent thereto by a law passed by a vote of two-thirds of all the members elected to each house. Such law shall also distinctly specify the single work or object for which the debt is created, and the amount of the debt authorized, and shall contain provisions for a sinking fund to meet the same at maturity, and requiring at least ten per cent of the principal to be annually raised by taxation and paid into the sinking fund.

§ 12. Except as prescribed by the first section of this article, no change in the organization of, or in the distribution of powers in, a city government, or in the terms or tenure of office therein, shall be made by the Legislature, unless by an act passed upon the application of the city, made by resolution both of the board of aldermen and of the board of finance, respectively, approved by the mayor, or by an act which shall have received the sanction of two successive Legislatures.

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that, in conformity to section 1 of article 13 of the Constitution, it be published for three months previous to the time of such election.

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to reconsider the vote by which said section was lost, and it was decided in the affirmative.

The President then put the question on agreeing to section 6 of said resolution, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Carpenter	Harris	Robertson	Vedder
Cole	McCarthy	Sayre	Wagner
Coleman	Moore	Selkreg	Wellman
Doolittle	Prince	Sprague	Woodin
Emerson			

17

## FOR THE NEGATIVE.

Baaden	Hammond	Loomis	Schoonmaker
Bixby	Jacobs	Morrissey	Starbuck
Bradley	Kennaday	St. John	Wagstaff
Gerard	Lamont		

14

Mr. Starbuck moved to reconsider the vote by which his amendment, proposed to section 3 in the words following: Insert after the word "alderman," second occurring in section 3, the words "no power shall be conferred by the Legislature on the board of finance, except the powers conferred by this article," was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Loomis	Schoonmaker
Bradley	Jacobs	Morrissey	Sprague
Emerson	Kennaday	Prince	Starbuck
Gerard	Lamont	St. John	Wagstaff

16

## FOR THE NEGATIVE.

Carpenter	Harris	Sayre	Wagner
Cole	McCarthy	Selkreg	Wellman
Coleman	Moore	Vedder	Woodin
Doolittle	Robertson		

14

Mr. Starbuck, by unanimous consent, amended his amendment so as to read, "no power shall be conferred by the Legislature on the board of finance, except the powers conferred by this Constitution or such as may be necessary to carry the powers granted thereby into effect."

The President put the question on the amendment of Mr. Starbuck, as amended, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Selkreg
Bixby	Hammond	Morrissey	Sprague
Bradley	Harris	Prince	Starbuck
Carpenter	Jacobs	Robertson	Wagner
Cole	Kennaday	St. John	Wagstaff
Coleman	Lamont	Sayre	Wellman
Doolittle	Loomis	Schoonmaker	Woodin
Emerson	McCarthy		

30

## FOR THE NEGATIVE.

Vedder	
--------	--

1

On motion of Mr. Kennaday, and by unanimous consent, section 5 was amended by striking out the words "hereinafter presented" and inserting the word "required."

Mr. Schoonmaker moved to reconsider the vote by which section 7 of said resolution was adopted.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Bradley	Loomis	Schoonmaker	Wagstaff	
Kennaday	St. John	Starbuck		7

## FOR THE NEGATIVE.

Baaden	Emerson	Morrissey	Sprague	
Carpenter	Gerard	Prince	Vedder	
Cole	Harris	Robertson	Wagner	
Coleman	McCarthy	Sayre	Wellman	
Doolittle	Moore	Selkreg	Woodin	20

The President then put the question on the adoption of the resolution as an entirety, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Robertson	Vedder	
Bixby	Gerard	St. John	Wagner	
Carpenter	Harris	Sayre	Wagstaff	
Cole	McCarthy	Selkreg	Wellman	
Coleman	Moore	Sprague	Woodin	
Doolittle	Prince			22

## FOR THE NEGATIVE.

Bradley	Kennaday	Morrissey	Starbuck	
Hammond	Loomis	Schoonmaker		7

*Ordered*, That the Clerk deliver said resolution to the Assembly and request their concurrence therein.

The bill entitled "An act to repeal certain acts and parts of acts," having been announced for a third reading,

Mr. Harris moved that said bill be recommitted to the committee on the judiciary, with instructions to strike out the words "first of October, 1877," and insert the words "first of May, 1878."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Harris	McCarthy	Selkreg	
Gerard				5

## FOR THE NEGATIVE.

Carpenter	Kennaday	Schoonmaker	Wagner	
Cole	Moore	Sprague	Wagstaff	
Coleman	Prince	Starbuck	Wellman	
Doolittle	Robertson	Vedder	Woodin	
Hammond	Sayre			18

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Robertson	Vedder	
Bradley	Hammond	St. John	Wagner	
Carpenter	Kennaday	Schoonmaker	Wagstaff	
Cole	Moore	Sprague	Wellman	
Coleman	Prince	Starbuck	Woodin	20

## FOR THE NEGATIVE.

Bixby	Harris	McCarthy	Selkreg	
Gerard				3

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Carpenter offered the following :

*Resolved*, That the special committee of investigation, appointed on the 17th day of April, 1877, be, and it hereby is, authorized to employ a clerk, whose term of service shall expire immediately upon the final report of the committee.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows ;

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Robertson	Vedder	
Bradley	Harris	St. John	Wagner	
Carpenter	Kennaday	Schoonmaker	Wagstaff	
Cole	Loomis	Selkreg	Wellman	
Coleman	Moore	Sprague	Woodin	
Doolittle	Prince			22

A message from the Assembly was received and read, as follows :

IN ASSEMBLY, *April 17, 1877.*

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act making appropriations for the payment of the principal and the interest of the canal debt for the fiscal year commencing on the 1st day of October, 1877, and to provide for the payment the interest of the debt created under section 3 of article 7 of the Constitution, for the fiscal year commencing on the 1st day of October, 1876, and ending on the 30th day of September, 1878."

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. Baker, and by unanimous consent, the same was amended as follows :

Strike out all after the enacting clause and insert the following :

Section 1. The following sums are hereby appropriated out of the revenues of the canals for the fiscal year commencing on the first day of October, one thousand eight hundred and seventy-seven :

For the payment of the interest in coin on the loans made under section three of article 7 of the Constitution, the sum of six hundred and twenty-five thousand dollars, or so much thereof as may be necessary.

To provide for the sinking fund for the extinguishment of the principal of the loans made under section three, of article seven of the Constitution, the sum of four hundred and fifty thousand dollars.

If, at any time, the revenues of the canals, after paying the cost of collection and ordinary repairs, shall be deficient, the sums appropriated

to pay the interest on the loans aforesaid, or so much thereof as shall be necessary, shall be payable from the sinking fund provided for the payment of the principal of the loans.

§ 2. The sum of one million and fifty thousand dollars, or so much thereof as shall be necessary, is hereby appropriated out of the sinking fund, under section 12 of article 7 of the Constitution, to pay in coin the principal and the interest of the floating debt loan which will mature on the 1st day of December, 1877.

Amend the title so as to read:

"An act making appropriations for the payment of the principal and the interest of the canal debt for the fiscal year commencing on the 1st day of October, 1877, and to provide for the payment of the principal and interest of the debt contracted under section 12 of article 7 of the Constitution."

And as amended passed, and ordered sent to the Senate for concurrence.

By order,

EDWARD M. JOHNSON, *Clerk.*

The President put the question whether the Senate would agree to reconsider the vote by which said bill was passed, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bixby	Hammond	St. John	Vedder
Carpenter	Harris	Schoonmaker	Wagner
Cole	Kennaday	Selkreg	Wagstaff
Coleman	Moore	Sprague	Wellman
Doolittle	Robertson	Starbuck	Woodin
Gerard			

21

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Hammond	St. John	Vedder
Carpenter	Harris	Schoonmaker	Wagner
Cole	Kennaday	Selkreg	Wagstaff
Coleman	Moore	Sprague	Wellman
Doolittle	Robertson	Starbuck	Woodin
Gerard			

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, as amended.

The Assembly, in compliance with a resolution, returned the Assembly bill entitled "An act further to amend chapter 338 of the Laws of 1875, entitled 'An act to amend an act entitled An act for the relief of the surviving members of the First Regiment of New York Volunteers, who served in the war with Mexico.'"

The President put the question whether the Senate would agree to reconsider the vote by which said bill was passed, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Schoonmaker	Wagner
Carpenter	Kennaday	Selkreg	Wagstaff

Cole	Moore	Sprague	Wellman
Coleman	Robertson	Starbuck	Woodin
Doolittle	St. John	Vedder	19

Mr. Harris moved that said bill be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Wagner, the Senate adjourned.

## FRIDAY, APRIL 20, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

The Assembly bill entitled "An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations," having been announced for a third reading,

On motion of Mr. Sprague, and by unanimous consent, said bill was amended as follows:

Insert between lines 479 and 480, printed bill, the following:

"For the Le Conteulx St. Mary's Institute for the Improved Instruction of Deaf Mutes at Buffalo, for deficiency in appropriations for support and maintenance of deaf mutes for the years 1875 and 1876, the sum of \$2,364.08."

Mr. Selkreg moved that said bill be recommitted to the committee on finance, with instructions to amend as follows:

Insert after line 465, printed bill, the following: "For the erection of additional buildings upon the lands owned by the State, in the city of Binghamton, now occupied by the Susquehanna Valley Home, the sum of \$10,000, to be expended under the direction of the trustees of said Susquehanna Valley Home, and upon vouchers to be audited and allowed by the Comptroller of the State."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

### FOR THE AFFIRMATIVE.

Baaden	Lamont ;	Selkreg	Vedder
Bradley	Loomis	Sprague	Wagner
Doolittle	Sayre	Starbuck	Wellman
Emerson			18

### FOR THE NEGATIVE.

Carpenter	Jacobs	Moore	St. John
Coleman	Kennaday	Morrissey	Schoonmaker
Gerard	McCarthy	Robertson	Woodin
Harris			18

Mr. Selkreg moved that said bill be recommitted to the committee on finance, with instructions to amend as follows:

Insert after line 253, printed bill, the following:

"For the State Inebriate Asylum, at Binghamton, for repairing roof of north wing of the asylum, for grading grounds on which south-east



part of the building formerly stood, and for repairing rooms on first floor of north wing heretofore partially destroyed by fire, the sum of \$6,000."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

On motion of Mr. Hammond, and by unanimous consent, said bill was amended as follows:

Strike out all after the word "proper," in line 71, down to and including the word "dollars," in line 75, and insert as follows:

"To William C. Stead and Joel B. Lindley, mail-carriers of the Senate and Assembly, respectively, for the year 1877, \$100 each; and to said Stead for carrying the Assembly mail from the 4th to the 12th day of January, 1876, \$16."

Mr. Schoonmaker moved that said bill be recommitted to the committee on finance, with instructions to amend as follows:

Insert after the word "dollars," in line 95, printed bill, the following: "And for the Third Judicial District Law Library at Kingston, and the Fourth Judicial District Law Library at Saratoga, each the additional sum of \$500."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Harris, from the committee on finance, to which was referred the said bill, reported that they have made the amendments thereto, as instructed, and directed their chairman to report the same to the Senate.

Mr. Prince moved that said bill be recommitted to the committee on finance, with instructions to amend as follows:

Insert after line 97, printed bill, the following: "For the purpose of establishing a law library, to be located at the Queens county court house, at Long Island City, for the use of the courts in said county, the sum of \$2,000, to be expended in the purchase of books, under the direction and supervision of the justices of the Supreme Court, in the Second Judicial Department. The warrant of the Comptroller shall not, however, be issued for the above mentioned sum, until an equal amount shall be raised either by private subscription or otherwise, and placed at the disposal of said justices for the same purpose, the certificate of said justices of such fact shall be evidence to the Comptroller that the sum has been raised and placed at their disposal."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Prince moved to reconsider the vote by which said proposed amendment was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Starbuck moved that said bill be recommitted to the committee on finance, with instructions to amend as follows:

Insert after line 97, printed bill, the following:

"For the purpose of establishing a law library to be located at Watertown, in Jefferson county, for the use of the supreme court, the sum of \$2,000, to be expended in the purchase of books, under the direction and supervision of the justice of the supreme court residing in said city. The warrant of the comptroller shall not, however, be issued for the above-mentioned sum until an equal amount shall be raised either by private subscription or otherwise, and placed at the disposal of said justice for the same purpose; the certificate of said justice of such fact shall

be evidence to the comptroller that the sum has been raised and placed at his disposal."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Jacobs	Robertson	Starbuck
Bixby	Lamont	St. John	Vedder
Doolittle	Loomis	Sayre	Wagner
Emerson	Moore	Schoonmaker	Wagstaff
Gerard	Prince	Sprague	Wellman
Harris			

21

## FOR THE NEGATIVE.

Bradley	Hammond	McCarthy	Selkreg
Carpenter	Kennaday	Morrissey	Woodin
Coleman			

9

Mr. Harris, from the committee on finance, to which was recommitted the said bill, reported that they have made the amendments thereto, as instructed, and have directed their chairman to report the same to the Senate.

Mr. Prince moved that said bill be recommitted to the committee on finance, with instructions to amend by inserting, as follows:

"For the purpose of establishing a law library, to be located at Long Island City, Queens county, for the use of the supreme court, the sum of \$2,000, to be expended in the purchase of books, under the direction and supervision of the justices of the peace residing in said city. The warrant of the comptroller shall not, however, be issued for the above-mentioned sum until an equal amount shall be raised either by private subscription or otherwise, and placed at the disposal of said justices for the same purposes; the certificate of said justice of such fact shall be evidence to the comptroller that the sum has been raised and placed at his disposal."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Jacobs	Robertson	Vedder
Carpenter	Moore	Sayre	Wagner
Coleman	Morrissey	Schoonmaker	Wagstaff
Doolittle	Prince	Starbuck	Wellman

16

## FOR THE NEGATIVE.

Bixby	Hammond	Loomis	Selkreg
Bradley	Harris	McCarthy	Sprague
Gerard	Kennaday	St. John	Woodin

12

Mr. Harris, from the committee on finance, to which was recommitted the said bill, reported that the committee have made the amendments thereto, as instructed, and have directed their chairman to report the same to the Senate.

Mr. Gerard moved that said bill be recommitted to the committee on finance, with instructions to strike out all of lines 98, 99, 100, 101, 102, 103, 104, 105, 106, printed bill, relative to law library at Canton, and also to strike out the amendments made in reference to law libraries in Watertown and Long Island City."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Hammond	McCarthy	Sprague
Bradley	Harris	Morrissey	Wagstaff
Doolittle	Kennaday	St John	Woodin
Gerard	Loomis	Selkreg	

15

## FOR THE NEGATIVE.

Baaden	Jacobs	Robertson	Vedder
Carpenter	Lamont	Sayre	Wagner
Coleman	Moore	Schoonmaker	Wellman
Emerson	Prince	Starbuck	

15

Mr. Gerard moved to reconsider the vote by which said motion to recommit said bill was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Bradley moved that said bill be recommitted to the committee on finance, with instructions to amend by inserting after the word "village," in line 101, the following :

"For the purpose of establishing a law library at the city of Elmira, in the third judicial department, \$2,000, to be expended in the purchase of books."

Mr. Hammond moved to amend by adding thereto a life appropriation for a law library in the village of Canandaigua.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question upon the motion of Mr. Bradley, as amended, and it was decided in the affirmative.

Mr. Harris, from the committee on finance, to which was recommitted the said bill, reported that they have made the amendments thereto, as instructed, and have directed their chairman to report the same to the Senate.

Mr. Wagstaff moved that said bill be recommitted to the committee on finance, with instructions to amend by inserting an appropriation of \$10,000 for the establishment of a law library in the city of New York.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Jacobs	Morrissey	Selkreg
Gerard	Kennaday	Prince	Wagstaff

8

## FOR THE NEGATIVE.

Carpenter	Loomis	Sayre	Vedder
Doolittle	McCarthy	Schoonmaker	Wagner
Emerson	Moore	Sprague	Wellman
Harris	Robertson	Starbuck	Woodin
Lamont	St. John		

18

Mr. Woodin moved that said bill be recommitted to the committee on finance, with instructions to strike out all appropriations for law libraries, except that located at Canton, St. Lawrence county, included in the paragraph contained in lines 98 to 106 inclusive.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	Morrissey	Sprague	
Bradley	Gerard	Robertson	Wagstaff	
Carpenter	Kennaday	St. John	Woodin	
Coleman	McCarthy	Selkreg		15

## FOR THE NEGATIVE.

Hammond	Moore	Schoonmaker	Wagner	
Jacobs	Prince	Starbuck	Wellman	
Lamont	Sayre	Vedder		11

Mr. Harris, from the committee on finance, to which was recommitted the said bill, reported that the committee have made the amendments thereto, as instructed, and have directed their chairman to report the same to the Senate.

Mr. Gerard moved to strike out all the appropriations for law libraries, including all amendments, contained in lines 98 to 106 inclusive.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Bradley	Hammond	Wagstaff	Woodin	
Gerard	Morrissey			6

## FOR THE NEGATIVE.

Bixby	Jacobs	Prince	Sprague	
Carpenter	Kennaday	Robertson	Starbuck	
Coleman	Lamont	St. John	Vedder	
Doolittle	Loomis	Sayre	Wagner	
Emerson	McCarthy	Schoonmaker	Wellman	
Harris	Moore	Selkreg		23

Mr. Bradley moved to reconsider the vote by which the amendment of Mr. Woodin was agreed to.

The President put the question whether the Senate would agree to aid motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Bradley	Lamont	Sayre	Vedder	
Hammond	Moore	Selkreg	Wellman	
Jacobs	Prince	Starbuck		11

## FOR THE NEGATIVE.

Bixby	Gerard	McCarthy	Sprague	
Carpenter	Harris	Morrissey	Wagner	
Coleman	Kennaday	Robertson	Wagstaff	
Doolittle	Loomis	St. John	Woodin	
Emerson				17

Mr. Gerard moved to strike out the appropriation for Duncan C. McMillan for services rendered as stenographer, contained in lines 84 to 90, inclusive, printed bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Gerard	Prince			2
FOR THE NEGATIVE.				
Baaden	Harris	St. John	Vedder	
Bixby	Jacobs	Sayre	Wagner	
Bradley	Lamont	Schoonmaker	Wagstaff	
Carpenter	Loomis	Selkreg	Wellman	
Doolittle	McCarthy	Starbuck	Woodin	
Emerson	Moore			22

On motion of Mr. Sayre, and by unanimous consent, said bill was amended as follows:

Strike out the words "and for James B. Padden, late clerk of the county of Oneida, \$54.50," in line 109, and insert at the end of line 112 the following: "and for James G. Padden, late clerk of the county of Oneida, \$54.50 for like notices given in 1875."

Mr. Woodin moved that said bill be recommitted to the committee on finance, with instructions to amend said bill by striking out after the word "necessary," in lines 184, 185 and 186, the words "and the board of supervisors of said county are hereby directed to raise said sum so paid, by taxation, at their next annual meeting, and to pay the same into the treasury of the State."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	Vedder	
Bixby	Emerson	Sayre	Wagstaff	
Carpenter	Gerard	Selkreg	Wellman	
Coleman	Lamont	Sprague	Woodin	16

## FOR THE NEGATIVE.

Bradley	Jacobs	Moore	Schoonmaker	
Hammoud	Kennaday	Robertson	Starbuck	
Harris	McCarthy	St. John	Wagner	12

Mr. Harris, from the committee on finance, to which was recommitted the said bill, reported that they have made the amendments thereto, as instructed, and have instructed their chairman to report the same to the Senate.

Mr. Jacobs moved that said bill be recommitted to the committee on finance, with instructions to amend as follows:

Insert after line 208, printed bill, the following:

"The sum of \$1,000, or so much thereof as may be necessary, is hereby appropriated to refund to Kings county the amount paid to counsel employed by the State in the prosecution of the charges against Winchester Britton, district-attorney of said county."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Kennaday	Morrissey	Selkreg	
Emerson	Lamont	Prince	Vedder	
Gerard	Loomis	Sayre	Wagstaff	
Jacobs				13

## FOR THE NEGATIVE.

Bradley	Harris	St. John	Wagner
Carpenter	McCarthy	Schoonmaker	Wellman
Doolittle	Moore	Sprague	Woodin
Hammond	Robertson	Starbuck	15

Mr. Starbuck moved that said bill be recommitted to the committee on finance, with instructions to strike out the appropriation for James W. Eaton, contained in lines 201 to 208, inclusive.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

On motion of Mr. Selkreg, and by unanimous consent, said bill was amended as follows:

Insert at the end of line 275 the following: "To pay the certificate issued by C. A. Walrath, Canal Commissioner, to Thomas Keeler, on account of dredging the Cayuga inlet, the sum of \$2,623.70."

On motion of Mr. Moore, and by unanimous consent, said bill was amended as follows:

Insert after amendment of Mr. Sayre, at the end of line 112, the following: "And to pay Tyrus H. Ferris, late county clerk of St. Lawrence county, for giving like notices, the sum of \$80, or so much thereof as may be necessary."

Mr. Schoonmaker moved that said bill be recommitted to the committee on finance, with instructions to amend as follows:

Strike out the words "ten thousand dollars," in the appropriation for the Kingston memorial, lines 281 to 285 inclusive, and insert fifteen thousand dollars."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Jacobs	Robertson	Starbuck
Bixby	Lamont	St. John	Vedder
Carpenter	Loomis	Schoonmaker	Wagner
Coleman	Moore	Selkreg	Wagstaff
Emerson	Morrissey	Sprague	Wellman
Hammond			21

## FOR THE NEGATIVE.

Doolittle	Kennaday	McCarthy	Prince
Gerard			5

Mr. Harris, from the committee on finance, to which was recommitted the said bill, reported that they have made the amendments thereto, as instructed, and have directed their chairman to report the same to the Senate.

Mr. Bradley moved that said bill be recommitted to the committee on finance, with instructions to strike out the appropriation for Chautauqua lake, contained in lines 296 to 307, inclusive.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Jacobs moved that said bill be recommitted to the committee on finance.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Jacobs moved that when the Senate adjourns to-day it adjourn to meet on Monday evening at eight o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Carpenter offered the following :

*Whereas*, In the judgment of the Senate, the special committee of investigation, appointed on the 17th day of April, 1877, requires the services of an additional stenographer and an additional clerk, to enable it promptly to discharge its duties, therefore

*Resolved*, That Hudson C. Tanner be, and he hereby is, appointed stenographer to said committee, and that his compensation be at the rate of \$10 per day, and that John F. Kene be, and he hereby is, appointed clerk, to act also as messenger to said committee, and that his compensation be at the rate of \$5 per day, that such employes be, and they hereby are authorized to accompany the committee, and that such employment of stenographer and clerk shall cease immediately upon the final report of the committee.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Baaden	Hammond	Prince	Sprague
Bixby	Harris	Robertson	Vedder
Bradley	Jacobs	St. John	Wagner
Carpenter	Lamont	Sayre	Wagstaff
Coleman	McCarthy	Schoonmaker	Wellman
Doolittle	Moore	Selkreg	

- 23

Mr. Coleman offered the following :

*Whereas*, In the judgment of the Senate, it is necessary that the standing committee on banks, charged with the duty of taking testimony in relation to charges preferred against the Superintendent of the Bank Department, should take such testimony at other places than the city of Albany, and that the employment of a stenographer is necessary, and that the clerk of the standing committee on banks should accompany said committee, therefore

*Resolved*, That the standing committee on banks be, and is hereby, authorized to take testimony in such place or places as they may deem proper, and that Edward F. Underhill be, and is hereby, appointed stenographer to said committee, and that his compensation be twenty-five cents per folio for taking and transcribing such testimony, and that such employment of stenographer shall cease immediately upon the final report of the committee, and that the clerk to said committee be, and is hereby, authorized to accompany said committee to such place or places as they may desire.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Baaden	Hammond	Moore	Sprague
Bixby	Harris	Robertson	Starbuck
Bradley	Jacobs	St. John	Vedder
Carpenter	Kennaday	Sayre	Wagner
Coleman	Lamont	Schoonmaker	Wellman
Doolittle	McCarthy	Selkreg	

23

## FOR THE NEGATIVE.

Prince

1

Mr. Harris, from the committee on finance, to which was recommitted the Assembly bill entitled "An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations," reported that they have made the amendments thereto, as instructed, and have directed their chairman to report the same to the Senate.

Mr. Hammond moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Hammond	Lamont	Starbuck	
Bixby	Jacobs	Loomis	Wagstaff	
Bradley	Kennaday	Selkreg		11

## FOR THE NEGATIVE.

Coleman	McCarthy	St. John	Wagner	
Doolittle	Moore	Sayre	Wellman	
Emerson	Prince	Sprague	Woodin	
Harris	Robertson	Vedder		15

Mr. Sayre moved that said bill be recommitted to the committee on finance, with instructions to amend as follows:

Insert after line 471 the following: "For the managers of the Central New York Institution for Deaf Mutes at Rome, for the erection, heating and furnishing of a suitable building for its use, the sum of \$30,000; but no part of the sum herein appropriated shall be expended, except upon a plan for such building, which shall be approved by the Comptroller and the Superintendent of Public Instruction, and upon estimates which will satisfy the Comptroller that the cost of such building, apparatus for heating and furnishing will not exceed the sum of \$80,000."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Doolittle	Loomis	Selkreg	Wellman	
Emerson	Sayre	Starbuck	Woodin	
Lamont	Schoonmaker			10

## FOR THE NEGATIVE.

Bixby	Hammond	McCarthy	St. John	
Bradley	Harris	Morrissey	Sprague	
Carpenter	Jacobs	Prince	Wagner	
Coleman	Kennaday	Robertson	Wagstaff	
Gerard				17

Mr. Woodin moved that said bill be recommitted to the committee on finance, retaining its place in the order of third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Prince, from the committee on commerce and navigation, to which was recommitted the bill entitled "An act further to amend chapter 487 of the Laws of 1862, entitled 'An act defining and regulating the powers, duties and compensation of the captain of the port and harbor-masters of the port of New York,'" reported in favor of the passage of



the same, with amendments, and said bill was restored to its place on general orders.

By unanimous consent, Mr. Kennaday asked and obtained leave to introduce a bill entitled "An act for the relief of the Loaners' Bank of the city of New York, and the creditors thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Prince, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act additional to chapter 370 of the Laws of 1872, entitled 'An act to amend an act relating to the rates of wharfage on canal boats, and to regulate piers, wharves, bulk-heads and slips in the cities of New York and Brooklyn,' passed May 6, 1870," reported in favor of the passage of the same, with the title amended so as to read "An act in relation to wharfage on canal boats in the cities of New York and Brooklyn," and said bill was committed to the committee of the whole.

Mr. Wagstaff offered the following:

*Resolved*, That the committee on the judiciary be and they are hereby requested forthwith to inquire and report, whether, under existing law, provision is made for perpetual imprisonment in civil cases, and if so, what, if any, legislation is needed in their behalf.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, Mr. Bixby asked and obtained leave to introduce a bill entitled "An act relative to district court attendants and marshals in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Harris asked and obtained leave to introduce a bill entitled "An act to reimburse owners of real estate in the city of Albany for the payment of taxes upon property not in existence," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Harris asked and obtained leave to introduce a bill entitled "An act to amend section 74 of title 6 of chapter 6 of part 2 of the Revised Statutes, concerning the application for moneys paid into the State treasury by administrators," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Wagstaff presented a petition of Diedrich Knabe and Otto Hoffeld, in respect to rent of court rooms in the town of Morrisania, as provided by the act annexing said town to the city of New York; which was read and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Gerard presented a petition and memorial of property owners on Tenth avenue, in the city of New York, for relief from fraudulent assessments; which was read and referred to the committee on the affairs of cities.

A message was received from the Governor in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, April 20, 1877.

*To the Senate:*

I return, without approval, Senate bill No. 58, entitled "An act to amend an act entitled 'An act amending chapter 837 of the Laws of

1868, and chapter 623, Laws of 1869, in reference to the laying out, opening and continuing of Bushwick avenue, in the town of New Lots, Kings county.”

Section 1 of this bill provides that “the commissioners now acting in the laying out, opening and continuing Bushwick avenue, in the town of New Lots, and their successors, immediately after the confirmation of the report of awards and assessments, as provided for in section 3, shall enter upon the lands taken for said avenue, and shall cause the same to be properly graded, regulated and prepared for public travel.”

Section 18 of article 3 of the Constitution provides, that the Legislature shall not pass a private or local bill in the case of “laying out, opening, altering, working or discontinuing roads, highways or alleys.”

The bill is a clear violation of this provision. I am, therefore, compelled, as a matter of duty, to withhold my approval.

But, aside from its constitutionality, the bill ought not to become a law. By section 2 it is provided that the supervisor shall borrow, on the faith and credit of the town, such sum or sums as may be necessary for this improvement, and issue the bonds of the town therefor without any proper authority from the town. No limit is fixed to the power thus conferred, nor is it even provided that the bonds shall not be sold for less than par. Under this act money may be borrowed to an unlimited extent, and bonds issued and sold at such rates and on such terms as a supervisor thinks advisable. These two objections are fatal to the bill. The general laws provide that boards of supervisors shall take charge of the subject-matter of this bill, and to them should be left the control of this and similar local improvements.

L. ROBINSON.

Mr. Jacobs moved that said message be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill and concurrent resolution, entitled as follows:

“An act to amend chapter 177 of the Laws of 1872, entitled ‘An act in relation to the establishment and care of a cemetery in the village of Geneva, Ontario county, and to provide means for the same.’”

“Concurrent resolution proposing an amendment to the Constitution, to be known as article 17 thereof.”

Mr. Coleman, from the committee on banks, to which was referred the bill entitled “An act to repeal chapter 250 of the Laws of 1853, entitled ‘An act relating to incorporated banks, banking associations and individual bankers, located in the city of New York,’” reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Wellman, from the committee on State prisons, to which was referred the bill entitled “An act to provide for the appointment of a State agent, whose duties shall be the care, guidance and direction of the prisoners discharged from the several penal institutions and reformatories of the State,” reported in favor of the passage of the same, with amendments, and the title amended so as to read “An act in relation to the appointment of a State agent for the guidance and employment of discharged convicts,” and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act to provide for the taxation of insurance companies," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sprague moved to reconsider the vote by which the resolution of Mr. Carpenter, appointing a stenographer and clerk in the matter of the investigation, relative to Senator Woodin, was adopted.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Sprague, and by unanimous consent, said resolution was amended as follows:

Strike out the words "ten dollars per day," and insert the words "twenty-five cents per folio for taking and subscribing said testimony."

The President put the question upon the resolution as amended, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Carpenter	Harris	Robertson	Vedder
Coleman	Jacobs	St. John	Wagner
Doolittle	Kennaday	Sayre	Wagstaff
Emerson	Loomis	Schoonmaker	Wellman
Gerard	Moore	Selkreg	Woodin
Hammond	Morrissey	Sprague	23

The Assembly returned the following entitled Assembly bill, with a message that they had concurred in the amendments of the Senate thereto:

"An act to amend chapter 737 of the Laws of 1873, entitled 'An act in relation to the creation and formation of water-works companies in towns and villages of the State of New York.'"

*Ordered,* That the Clerk return said bill to the Assembly.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same:

"An act to amend chapter 159 of the Laws of 1873, entitled 'An act authorizing the election of a police justice in the town of Newtown, Queens county, and prescribing his duties and compensation.'"

*Ordered,* That the Clerk deliver said bill to the Governor.

On motion of Mr. Jacobs the Senate adjourned.

MONDAY, APRIL 23, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of Friday, April 20, was read and approved.

Mr. Robertson presented a petition of the National Temperance Society against legislation affording additional facilities for the rum traffic; which was read and referred to the committee on internal affairs.

Mr. Robertson presented a remonstrance of William Coventry H. Waddell against the violation of the Constitution in respect to the capital of the several funds which that instrument declares shall be pre-

served inviolate; which was read and referred to the committee on finance.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the town of Webster, Monroe county, to issue bonds in payment of, or to take up, bonds heretofore issued in aid of the Lake Ontario Shore Railroad," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act relative to summary proceedings to recover the possession of lands for non-payment of rent, and for holding over after expiration of term, in the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was recommended the Assembly bill entitled "An act to amend chapter 767 of the Laws of 1872, entitled 'An act to establish the compensation of county judges and surrogates pursuant to the fifteenth section of the amended sixth article of the Constitution,'" reported in favor of the passage of the same, with amendments, and said bill was ordered to a third reading.

Mr. Morrissey introduced a bill entitled "An act to amend chapter 628, Laws of 1857, entitled 'An act to suppress intemperance and to regulate the sale of intoxicating liquors,' passed April 16, 1857, and to amend an act entitled 'An act regulating the sale of intoxicating liquors,' passed April 11, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Vedder introduced a bill entitled "An act to incorporate the New York Pipe Company," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on internal affairs.

Mr. Harris introduced a bill entitled "An act to release to Frederick W. Bell, of the city and county of Albany, and State of New York, the title and interest of the people of the State of New York, in the real estate of which Walter A. Bell, late of the city of Albany, died seized," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend chapter 96 of the Laws of 1876, entitled 'An act to establish a local court of civil jurisdiction in the city of Rochester, to be called the municipal court of the city of Rochester, and to amend the charter of said city.'"

"An act further to amend chapter 133 of the Laws of 1847, entitled 'An act authorizing the incorporation of rural cemetery associations.'"

"An act to release the interest of the people of the State of New York in the real estate of which Thomas Smith, late of the city of Albany, died seized, to Thomas Scally of the city of Albany."

After some time spent therein, the President resumed the chair, and Mr. Vedder, from said committee, reported in favor of the passage of the

first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Vedder, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Vedder, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to amend chapter 236 of the Laws of 1875, entitled 'An act to prohibit the throwing of cinders, ashes, refuse or garbage into the waters of Long Island sound, and into the bays and harbors opening into the same.'"

A message was received from the Governor in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, {  
ALBANY, April 23, 1877. }

*To the Senate:*

Since my message to the Senate of the date of April 5, 1877, recommending the removal from office of De Witt C. Ellis, Superintendent of the Banking Department, upon charges and proofs then presented, I have received additional charges against the same officer, which I herewith submit for your consideration.

Of these, the following are made by Mr. John Mack, of 365 Fifth avenue, New York:

1. That Mr. Ellis was informed in March, 1875, by Geo. W. Reid and W. F. Aldrich, bank examiners, that the Bond Street Savings Bank had made investments not authorized by law, and that it then had a deficiency of \$20,000, in the annual income necessary to pay its dividends and expenses. The report of the gentlemen of their examinations made in March, 1875, attached to the next subsequent annual report of the department (see Assembly Documents, 1876, No. 97, pp. 269, 270), sustains this allegation. Mr. Mack adds that the bank was not put into the hands of a receiver until the following year, 1876.

2. That Mr. Ellis was informed in November, 1875, by Geo. W. Reid, examiner, that the People's Savings Bank of New York city had a large deficiency of assets, and a deficiency of \$10,000 in annual income. The document previously quoted, page 316, sustains this allegation. Mr. Mack adds that no receiver was appointed until 1876.

3. A similar charge as to the Trader's Savings bank.

4. A similar charge as to the Abingdon Square Savings Bank, reported by the examiner in November, 1875, as having violated its charter by certain transactions in real estate, sustained by the document already quoted, page 264.

5. A similar charge as to the German Savings Bank of Morrisania, reported in April, 1875, as having a deficiency of \$77,000 (see page 290 of document previously quoted), and allowed to go on until March, 1877, when it failed.

6. Charges of neglect of duty in reference to the Bank of Lansingburgh, the New York State Loan and Trust Company, and the Loaners' Bank.

7. A charge that in the autumn of 1873, he, John Mack, personally urged upon Mr. Ellis the importance of an examination of the Security

Bank, informing said Ellis that he, Mack, had reason to know that from \$60,000 to \$80,000 of its capital had been lost; that Ellis refused and neglected to make an examination; that in April, 1874, the bank failed, disclosing a loss of three-fourths of its capital.

In addition to these, the following charge is made by Edward Mallon, of 434 West Twenty-eighth street, New York city, to wit:

That Mr. Ellis was informed by George W. Reid and W. F. Aldrich, bank examiners, that in a written report of an examination made by them, of the Third Avenue Savings Bank, on the 22d and 23d of March, 1875, that the bank was then insolvent, having a deficiency of assets of \$219,226.81, and of annual income of \$44,791; that there was also an old deficiency of \$115,000, discovered in previous years, for which last-named deficiency the department had taken the personal bond of the trustees of the bank. These allegations are sustained by the report of the examiners, found in Assembly documents of 1876, No. 97, page 330.

Mr. Mallon alleges further, that an additional deficiency of \$100,000 had been covered up by adding that amount to the cost of the banking house. He also alleges that the trustees are now resisting payment of the bond of \$115,000, on the ground that there was no consideration given. He also alleges that the same report revealed large investments in real estate not authorized by the charter, and that many of the other securities were of doubtful value, which allegations appear to be sustained by the report above cited.

He also alleges that Mr. Ellis neglected to take any measures to close the bank, and that six months afterward, to wit, in September, 1875, it stopped payment; that during these six months great wrong was done by the trustees paying the deposits of certain favored friends, and by the bank, in that period, inducing 600 new accounts to be opened with it; and that a statement made by Mr. Ellis, in his report of the 30th of March, 1876, to the effect that in consequence of the examination made in March, 1875, he, the Superintendent, had caused the bank to be closed is untrue; that the loss to depositors is about \$1,200,000, the dividend being only fifteen per cent.

As the Senate is already engaged in investigating charges similar to those heretofore presented, I have not deemed it necessary to submit those now made to Mr. Ellis, for any preliminary explanation on his part. The allegations contained in these, that Mr. Ellis was officially notified by his own examiners of the dangerous and, in fact, insolvent condition of the institutions named, are in several instances amply sustained by the documentary evidence cited. Whether he was guilty in any of those instances of culpable negligence in delaying proper action after he had been so notified, is a matter of very ready proof or disproof before you. That there may be no technical objection to investigation of and action upon these charges, I again recommend the removal of DeWitt C. Ellis from the office of Superintendent of the Banking Department, as well upon the charges transmitted herewith as upon those heretofore presented and now under consideration in the Senate.

L. ROBINSON.

Mr. Vedder moved that said message and accompanying documents be referred to the committee on banks, with instructions to investigate the same under the resolution heretofore adopted by the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills and concurrent resolution entitled as follows :

"An act to amend chapter 874 of the Laws of 1871, entitled 'An act authorizing the surrogates in the several counties to employ stenographers.'"

"Concurrent resolution in the words following :

*Resolved* (if the Assembly concur), That section 6 of article 6 of the Constitution, be amended so that it shall read as follows :

"§ 6. There shall be the existing Supreme Court, with general jurisdiction in law and equity, subject to such appellate jurisdiction of the Court of Appeals as now is, or may be, prescribed by law ; and it shall be composed of the justices now in office, with one additional justice, to be elected as hereinafter provided, who shall be continued during their respective terms, and of their successors. The existing judicial districts of the State, are continued until changed pursuant to this section. Five of the justices shall reside in the district in which is the city of New York, and five in the second judicial district, and four in each of the other districts. The Legislature may alter the districts, without increasing the number, once after every enumeration, under this Constitution, of the inhabitants of the State.

*Resolved* (if the Assembly concur), That said amendment to said section 6 be referred to the Legislature, to be chosen at the next general election for Senators, and that pursuant to section 1 of article 13 of the Constitution, it be published for three months previous to the time of such election."

"An act for the reduction of the salaries and compensation of certain officers and clerks in the cities of this State."

After some time spent therein, the President resumed the chair, and Mr. Kennaday, from said committee, reported progress on the first and last named bills, and asked and obtained leave to sit again.

Mr. Kennaday, from the same committee, reported in favor of the passage of said concurrent resolution, which report was agreed to, and the same ordered engrossed for a third reading.

On motion of Mr. Selkreg, and by unanimous consent, the rules were suspended, and the bill entitled "An act supplemental to chapter 140 of the Laws of 1850, entitled 'An act to authorize the formation of railroad corporations, and to regulate the same, passed April 2, 1850,'" was ordered considered in first committee of the whole.

On motion of Mr. McCarthy, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act to dissolve the College of Missionaries," was ordered considered in first committee of the whole.

On motion of Mr. Wagner, and by unanimous consent, the rules were suspended and the Assembly bill entitled "An act authorizing the commissioners of highways of the town of Glenville, Schenectady county, to appropriate a portion of the moneys received for commutation of highway labor to the payment of interest of indebtedness of said town, incurred in the purchase and rebuilding of the Mohawk and Schenectady bridge company's bridges, and for repairs of said bridges," was ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to dissolve the College of Missionaries."

"An act supplemental to chapter 140 of the Laws of 1850, entitled 'An act to authorize the formation of railroad corporations and to regulate the same,' passed April 2, 1850."

"An act supplemental to chapter 448 of the Laws of 1876, entitled 'An act relating to courts, officers of justice and civil proceedings.'"

After some time spent therein, the President resumed the chair, and Mr. Jacobs, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Jacobs, from the same committee, reported progress on the second named bill, and asked and obtained leave to sit again.

Mr. Jacobs, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Kennaday moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That a respectful message be sent to the Governor asking the return of Assembly bill No. 126, entitled "An act to amend chapter 443 of the Laws of 1876, entitled 'An act supplemental to the act entitled An act to revise the charter of the city of Syracuse, passed March 3, 1857, and the acts amendatory thereto,' " for amendment.

On motion of Mr. McCarthy, and by unanimous consent, the rules were suspended in order to consider said resolution immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

On motion of Mr. Starbuck, the Senate adjourned.

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## TUESDAY, APRIL 24, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Starbuck presented two remonstrances of tax-payers of the town of Gouverneur, St. Lawrence county, against taking commutation money from overseers and giving to commissioners of highways; which was read and referred to the committee on roads and bridges.

Also, a remonstrance of tax-payers of Watertown, Jefferson county, upon the same subject; which was read and referred to the committee on roads and bridges.

Mr. Cole presented a petition of Robert McKay and Agnes Sparks for release of the interest of the State in certain lands situate in Batavia.



Genesee county; which was read and referred to the committee on the judiciary.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to incorporate the Buffalo Pipe Line Company," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 830 of the Laws of 1873, entitled 'An act to legalize the adoption of minor children by adult persons,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to confer certain powers and privileges upon the New York Academy of Medicine," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release the interest of the State in certain lands, of which Michael Schmitts died seized, to Katharine Schmitts," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to release the interest of the people of the State of New York in certain lands, of which Michael Schmitts died seized, to Katharine Schmitts," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to provide for the appointment and to establish the fees of special surrogates," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act in relation to certain matters and proceedings in surrogates' courts, in cases of disqualification," and said bill was committed to the committee of the whole.

Mr. Emerson, from the committee on public health, to which was referred the bill entitled "An act in relation to the Compost Transportation Company," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act authorizing the removal of the female convicts confined in the State prison at Sing Sing, and the confinement of females hereafter convicted of felony in the county penitentiaries of this State."

"An act in relation to the imprisonment of convicts in the New York State Reformatory at Elmira, and the government and release of such convicts by the managers."

*Ordered*, That the Clerk deliver said bills to the Governor.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to release the interest of the people of the State of New York in the real estate of which Thomas Smith, late of the city of Albany, died seized, to Thomas Scally, of the city of Albany."

"An act further to amend chapter 133 of the Laws of 1847, entitled 'An act authorizing the incorporation of rural cemetery associations.'"

"An act to dissolve the College of Missionaries."

The Assembly bill entitled "An act to amend chapter 381 of the Laws of 1875, entitled 'An act supplemental to an act entitled An act to pro-

vide for the incorporation of religious societies, passed April 5, 1813, and of the several acts amendatory thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Loomis	Robertson
Cole	Harris	McCarthy	Selkreg
Doolittle	Jacobs	Moore	Wagner
Emerson	Kennaday	Prince	Woodin
Gerard	Lamont		

18

## FOR THE NEGATIVE.

Starbuck

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to amend chapter 465 of the Laws of 1875, entitled 'An act to require the payment of certain premiums to the fire departments of cities and incorporated villages, by fire insurance companies not organized under the laws of the State of New York, but doing business therein,'" having been announced for a third reading,

On motion of Mr. Woodin, and by unanimous consent, said bill was amended as follows:

Insert after the word "village," in line 20, printed bill, the following: "except in any city or village where a fireman's benevolent or relief association now collects any percentage on the premiums of foreign insurance companies, all such moneys so received shall be paid to the treasurer of such benevolent or relief association."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Loomis	Selkreg
Cole	Harris	McCarthy	Starbuck
Doolittle	Jacobs	Moore	Vedder
Emerson	Kennaday	Prince	Wagner
Gerard	Lamont	Robertson	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

- The bill entitled "An act to dissolve the College of Missionaries," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Harris	McCarthy	Selkreg
Cole	Jacobs	Moore	Starbuck
Doolittle	Kennaday	Morrissey	Vedder

Emerson	Lamont	Prince	Wagner	
Gerard	Loomis	Robertson	Woodin	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend chapter 767 of the Laws of 1872, entitled 'An act to establish the compensation of county judges and surrogates, pursuant to the fifteenth section of the amended sixth article of the Constitution,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Jacobs	Moore	Starbuck	
Cole	Kennaday	Morrissey	Vedder	
Doolittle	Lamont	Prince	Wagner	
Emerson	Loomis	Robertson	Woodin	
Hammond	McCarthy	Selkreg		19

FOR THE NEGATIVE.

Harris				1
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act further to amend chapter 446 of the Laws of 1874, entitled 'An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylums for their treatment and safe-keeping, and the duties of the State Commissioner in Lunacy,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Hammond	McCarthy	Selkreg	
Cole	Harris	Moore	Starbuck	
Doolittle	Kennaday	Morrissey	Vedder	
Emerson	Lamont	Prince	Wagner	
Gerard	Loomis	Robertson	Woodin	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act in relation to bets, wagers and pools," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Harris	McCarthy	Starbuck	
Cole	Jacobs	Moore	Tobey	
Doolittle	Kennaday	Prince	Vedder	

Emerson  
Gerard  
Hammond

Lamont  
Loomis

Robertson  
Selkreg

Wagner  
Woodin

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the payment of certain moneys out of the State treasury to the heirs at law of Maria Brimmayer," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Harris	Moore	Starbuck
Cole	Jacobs	Morrissey	Tobey
Doolittle	Kennaday	Prince	Vedder
Emerson	Lamont	Robertson	Wagner
Gerard	Loomis	Selkreg	Woodin
Hammond	McCarthy		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act further to amend section 50 of article 3, title 1 of chapter 16 of the first part of the Revised Statutes, in relation to highways," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Hammond	McCarthy	Selkreg
Cole	Harris	Moore	Starbuck
Doolittle	Kennaday	Morrissey	Vedder
Emerson	Lamont	Prince	Wagner
Gerard	Loomis	Robertson	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend chapter 742 of the Laws of 1871, entitled 'An act in relation to storage and the keeping of combustible material in the city of New York, the use and control of the fire alarm telegraph, the incumbrance of hydrants, and other purposes connected with the prevention and extinguishment of fires therein, and imposing certain powers and duties upon the board of fire commissioners of the said city,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Hammond	McCarthy	Starbuck
Cole	Harris	Moore	Tobey
Doolittle	Kennaday	Prince	Vedder
Emerson	Lamont	Robertson	Wagner
Gerard	Loomis	Selkreg	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 143 of the Laws of 1861, entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861, and the various acts amendatory thereof or relating to the city of Rochester," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Harris	McCarthy	Starbuck
Cole	Jacobs	Moore	Tobey
Doolittle	Kennaday	Prince	Vedder
Emerson	Lamont	Robertson	Wagner
Gerard	Loomis	Selkreg	Woodin
Hammond			

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to amend chapter 236 of the Laws of 1875, entitled 'An act to prohibit the throwing of cinders, ashes, refuse or garbage into the waters of Long Island Sound, and into the bays and harbors opening into the same,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Hammond	McCarthy	Starbuck
Cole	Harris	Moore	Tobey
Doolittle	Jacobs	Prince	Vedder
Emerson	Kennaday	Robertson	Wagner
Gerard	Loomis	Selkreg	Woodin

20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to provide for rebuilding a town hall, in Mexico, Oswego county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Jacobs	Moore	Starbuck
Cole	Kennaday	Morrissey	Tobey

Doolittle	Lamont	Prince	Vedder
Emerson	Loomis	Robertson	Wagner
Gerard	McCarthy	Selkreg	Woodin
Hammond			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to amend chapter 177 of the Laws of 1872, entitled 'An act in relation to the establishment and care of a cemetery in the village of Geneva, Ontario county, and to provide means for the same,' " was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Hammond	McCarthy	Starbuck
Cole	Harris	Moore	Tobey
Doolittle	Kennaday	Prince	Vedder
Emerson	Lamont	Robertson	Wagner
Gerard	Loomis	Selkreg	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act authorizing the commissioners of highways of the town of Glenville, Schenectady county, to appropriate a portion of the moneys received for commutation of highway labor to the payment of interest of indebtedness of said town, incurred in the purchase and rebuilding of the Mohawk and Schenectady Bridge Companies' bridges, and for repairs of said bridges," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Hammond	McCarthy	Starbuck
Cole	Harris	Moore	Tobey
Doolittle	Kennaday	Prince	Vedder
Emerson	Lamont	Robertson	Wagner
Gerard	Loomis	Selkreg	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 196 of the Laws of 1876, entitled 'An act to establish a local court of civil jurisdiction in the city of Rochester, to be called the municipal court of the city of Rochester, and to amend the charter of said city,' " was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Harris	Moore	Starbuck
Cole	Kennaday	Morrissey	Tobey
Doolittle	Lamont	Prince	Vedder
Emerson	Loomis	Robertson	Wagner
Gerard	McCarthy	Selkreg	Woodin
Hammond			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to release the interest of the people of the State of New York, in the real estate of which Thomas Smith, late of the city of Albany, died seized, to Thomas Scally, of the city of Albany," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Harris	Moore	Starbuck
Cole	Jacobs	Morrissey	Tobey
Doolittle	Kennaday	Prince	Vedder
Emerson	Lamont	Robertson	Wagner
Gerard	Loomis	Selkreg	Woodin
Hammond	McCarthy		

22

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

Mr. Wagner, from the committee on public printing, to which was referred the Assembly resolution to print 1,000 extra copies of the Report of the State Homœopathic Asylum, reported in favor of the adoption of the following resolution :

*Resolved* (if the Senate concur), That 1,000 extra copies of the report of The State Homœopathic Asylum for the Insane at Middletown, be printed for the use of the trustees of the asylum, and 500 for the use of the Legislature, provided that the cost thereof shall not exceed ten cents per page per 100 copies.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Hammond	McCarthy	Starbuck
Cole	Harris	Moore	Tobey
Doolittle	Kennaday	Prince	Vedder
Emerson	Lamont	Robertson	Wagner
Gerard	Loomis	Selkreg	Woodin

20

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Harris, from the committee on finance, to which was recommitted the Assembly bill entitled "An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations," reported the same for the consideration of the Senate.

Mr. Woodin moved that said bill be recommitted to the committee on finance, with instructions to amend by inserting the following:

"For the managers of the Central New York Institution for Deaf Mutes at Rome, for the erection, heating and furnishing of a suitable building for its use, the sum of \$30,000; but no part of the sum herein appropriated shall be expended, except upon a plan for such building which shall be approved by the Comptroller and the Superintendent of Public Instruction, and upon estimates which will satisfy the Comptroller."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Lamont	McCarthy	Starbuck	
Doolittle	Loomis	Selkreg	Woodin	8

## FOR THE NEGATIVE.

Cole	Harris	Morrissey	Vedder	
Gerard	Kennaday	Prince	Wagner	
Hammond	Moore	Robertson		11

Mr. Prince moved that said bill be recommitted to the committee on finance, with instructions to amend as follows:

"For Adam Blake for use of room at Congress Hall for legislative committees in 1877, the sum of \$200, to be credited to him on account of the rent of said Congress Hall."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Harris, from the committee on finance, to which was recommitted said bill, reported that they have made the amendments thereto, as instructed; and directed their chairman to report the same to the Senate.

Mr. Woodin moved that said bill be recommitted to the committee on finance, with instructions to strike out the following:

"For the support and maintenance of juvenile delinquents at the New York Catholic Protectory, the sum of \$25,000."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Cole	Hammond	Prince	Selkreg	
Doolittle	Harris	Robertson	Woodin	
Emerson	Moore			10

## FOR THE NEGATIVE.

Baaden	Jacobs	Loomis	Starbuck	
Bixby	Kennaday	McCarthy	Vedder	
Gerard	Lamont	Morrissey	Wagstaff	12

Mr. Woodin moved to reconsider the vote by which the motion to recommit said bill to the committee on finance, with instructions to insert an appropriation of \$30,000 for the Central New York Institution for Deaf Mutes at Rome, was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Vedder	
Bixby	Jacobs	McCarthy	Wagstaff	
Doolittle	Lamont	Starbuck	Woodin	11



## FOR THE NEGATIVE.

Cole	Harris	Morrissey	Robertson	
Gerard	Kennaday	Prince	Selkreg	
Hammond	Moore			10

The President then put the question on the motion of Mr. Woodin to recommit said bill to the committee on finance, with instructions to amend as follows: "For the managers of the Central New York Institution for Deaf Mutes at Rome, for the erection, heating and furnishing of a suitable building for its use, the sum of \$30,000; but no part of the sum herein appropriated shall be expended, except upon a plan for such building which shall be approved by the Comptroller and the superintendent of public instruction, and upon estimates which will satisfy the Comptroller;" and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Vedder	
Bixby	Lamont	Selkreg	Wagstaff	
Doolittle	Loomis	Starbuck	Woodin	12

## FOR THE NEGATIVE.

Cole	Harris	Moore	Prince	
Gerard	Kennaday	Morrissey	Robertson	
Hammond				9

Mr. Harris, from the committee on finance, to which was referred said bill, reported that they have made the amendments thereto, as instructed, and directed their chairman to report the same to the Senate.

On motion of Mr. Woodin, and by unanimous consent, said bill was amended by striking out the word "architect," in line 503, and inserting the words "superintending builder."

On motion of Mr. Hammond, and by unanimous consent, said bill was amended by inserting after the words "superintending builder," the words "or architect."

Mr. Kennaday moved that said bill be recommitted to the committee on finance, with instructions to amend as follows:

Strike out all after the word "specified," in line 503, down to and including the word "needed," in line 504, and insert as follows: "The employment of the superintending builder or architect of said reformatory shall not continue beyond the 1st day of April, 1878, and if the north wing of the reformatory shall be completed before that time, the said managers are authorized to remove the architect upon the completion of said north wing."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Kennaday	Starbuck	Wagstaff	
Emerson	Prince	Vedder		7

## FOR THE NEGATIVE.

Cole	Harris	McCarthy	Robertson	
Doolittle	Lamont	Moore	Selkreg	
Gerard	Loomis	Morrissey	Woodin	
Hammond				13

On motion of Mr. Vedder, and by unanimous consent, said bill was amended as follows:

Strike out all after the word "specified," in line 503, down to and including the word "needed," in line 504, and insert as follows: "And are further authorized to dismiss the superintending builder or architect thereof, when the services of a superintending builder or architect are no longer needed."

Mr. Harris moved that said bill be recommitted to the committee on finance.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Gerard asked and obtained leave to introduce a bill entitled "An act to facilitate the establishment of a botanical garden in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

On motion of Mr. Harris the Senate took a recess until half-past seven o'clock, P. M.

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#### HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

By unanimous consent, Mr. Selkreg asked and obtained leave to introduce a bill entitled "An act to confirm the election of village trustees in certain cases, and to provide for and determine by lot their respective terms of office," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Vedder offered the following:

*Resolved* (if the Assembly concur), That a respectful message be sent to his Excellency the Governor, requesting the return to the Senate of Senate bill, not printed (Int. No. 346), entitled "An act confirming a lease made by the Seneca Indians to Geo. A. Berry," for amendment.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act to confirm the proceedings of the town meeting held in Geneva, authorizing the raising of money for road and bridge purposes."

"An act to authorize the city of Troy to refund a portion of its bonded debt, falling due in the fiscal years 1877 and 1878."

"An act to amend chapter 641 of the Laws of 1867, entitled 'An act for the relief of the Co-operative Iron Founders' Association of Troy.'"

"An act extending the time in which the Canandaigua, Palmyra and Ontario Railway Company, shall expend ten per cent of its capital in the construction of its road, and in which to finish the same and put it in operation."

"An act to provide for the reduction of the number of directors in fire and marine insurance companies."

"An act to grant to the city of Yonkers certain lands belonging to the people of the State of New York, lying below the original line of high-water mark in the Nepperhan basin, in the city of Yonkers."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly sent for concurrence the bills entitled as follows :

"An act authorizing the State Treasurer and other State officers to publish in the State paper monthly statements of bank balances, and for other purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to amend 'An act to amend the charter of the city of Brooklyn, and the various amendments thereof,' passed June 28, 1873, which act was amended by chapter 589 of the Laws of 1874, and chapter 633 of the Laws of 1875, and to further amend the charter of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to facilitate the establishment of a botanical garden in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canals for the fiscal year commencing on the 1st day of October, 1877," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act in relation to the laying out of a public ground in the Fourth ward of the city of Schenectady and authorizing the common council to borrow money for that purpose," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act further to amend chapter 77 of the Laws of 1870, entitled 'An act to amend the act to combine into one act the several acts relating to the city of Albany, passed April 12, 1842, and the several acts amendatory thereof, so far as they relate to the city of Albany,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend the Revised Statutes in relation to the laying out of public roads and the alteration thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend an act entitled 'An act for the incorporation of societies or clubs for certain lawful purposes,' passed May 12, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act to provide for the collection of the unpaid assessments for the opening, regulating and grading of Franklin avenue in the towns of Flatbush and New Utrecht," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to amend chapter 348 of the Laws of 1860, entitled 'An act to secure to creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors,' and the several acts amendatory thereof," which was read the first time, and by unanimous consent

was also read the second time, and referred to the committee on the judiciary.

"An act to amend chapter 319 of the Laws of 1848, entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' and to make it applicable to literary societies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act making an appropriation to pay certain awards made by the Canal Appraisers, and to pay counsel employed on behalf of the State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to further amend chapter 137 of the Laws of 1842, entitled 'An act in relation to common schools in the city of Utica,' and chapter 66 of the Laws of 1850, entitled 'An act in relation to common schools in the city of Utica,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act re-appropriating moneys for the reconstruction of the Oneida lake canal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to amend chapter 65 of the Laws of 1871, entitled 'An act to revise and consolidate the laws in relation to the village of Geneva, in the county of Ontario,' passed March 3, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act authorizing the inhabitants of school district No. 8, in the town of Pike, county of Wyoming, to sell a portion of their school-house site," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to provide for the removal of eel weirs and other devices for taking fish from the Delaware river and its branches, and to prevent the maintenance of such devices," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act requiring the superintendents of the poor of the county of Genesee to convey to the board of supervisors of said county the lands and appurtenances known as the poor-house farm, situate in the town of Bethany, in said county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act in relation to the government of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to release the interest of the people of the State of New York in certain real estate in the city of Rochester, to Thomas Knowles," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Tobey, from the committee on insurance, to which was referred the Assembly bill entitled "An act to authorize the Arctic Fire Insurance Company of New York to amend its charter, and to extend its powers and privileges thereunder," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Cole asked and obtained leave to introduce a bill entitled "An act to release the interest of the people of the State of New York in certain real estate to Robert McKay and Agnes Sparks, situate in Batavia, Genesee county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Harris, from the committee on finance, to which was recommitted the Assembly bill entitled "An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations," reported the same to the Senate.

On motion of Mr. Harris, and by unanimous consent, said bill was amended as follows:

Strike out all of lines 344 to 347, inclusive, and insert the following: "The Treasurer shall pay on the warrant of the Comptroller, to Ransom Balcom, justice of the Supreme Court, on demand, so much of his salary for the year 1877, as shall be unpaid at the time of the passage of this act."

On motion of Mr. Harris, and by unanimous consent, said bill was amended by inserting after the words "dollars," in line 636, the words "or so much thereof as may be necessary."

Mr. Gerard moved that said bill be recommitted to the committee on finance, with instructions to strike out the words in lines 670, 671, 672, as follows: "For printing and binding for the commissioners to revise the statutes, to be paid on the certificates of the commissioners as the work progresses, the sum of \$2,000."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Harris moved that said bill be recommitted to the committee on finance, with instructions to strike out all appropriations for canal purposes contained in lines 700 to 730 inclusive."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Gerard moved that said bill be recommitted to the committee on finance, with instructions to strike out the following: "The New Capitol Commissioners are hereby directed to build and complete the exterior of the New Capitol building in the Italian renaissance style of architecture, adopted in the original design, and according to the style in which the building was being erected, prior to the adoption of the so-called "modified design."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bixby	Hammond	Morrissey	Starbuck	
Gerard	Kennaday	Selkreg	Wagstaff	8

FOR THE NEGATIVE.

Cole	Loomis	Prince	Vedder	
Doolittle	McCarthy	Robertson	Wagner	
Harris	Moore	Tobey	Woodin	12

Mr. Kennaday moved that said bill be recommitted to the committee on finance, with instructions to amend as follows:

Strike out all of lines 684 to 692, inclusive, and insert as follows:

"From and after the passage of this act, the work on the New Capitol building shall cease, except such as may be necessary to protect said

building from injury, for which purpose the sum of \$25,000 is hereby appropriated to be paid by the Treasurer upon the warrant of the Comptroller to the order of the New Capitol Commissioners as they shall require the same."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Selkreg	Wagstaff	
Gerard	Kennaday	Starbuck		7

## FOR THE NEGATIVE.

Cole	Jacobs	Morrissey	Vedder	
Doolittle	Loomis	Prince	Wagner	
Emerson	McCarthy	Robertson	Woodin	
Harris	Moore	Tobey		15

Mr. Tobey moved that said bill be recommitted to the committee on finance, with instructions to amend as follows:

Insert after line 211, printed bill, as follows:

"To Stephen Moffitt, for counsel fees and expenses necessarily expended in the investigation before the committee on State prisons, of the Senate, of charges made against him in the report of the State prison commission, \$300."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Harris, from the committee on finance, to which was referred said bill, reported that they have made the amendments thereto, as instructed, and directed their chairman to report the same to the Senate.

On motion of Mr. Jacobs, and by unanimous consent, said bill was amended as follows:

Insert after line 519, the following:

"For the Superintendent of State prisons to pay Thomas Hamilton, for balance due him on account of materials furnished and delivered to authorities at the State prison at Sing Sing, in the county of Westchester, the sum of \$2,238.93, the same to be paid by the Comptroller when he is satisfied that the amount is due and should be paid."

Mr. Harris moved that said bill be recommitted to the committee on finance.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Prince asked and obtained leave to introduce a bill entitled "An act to change the bulk-head lines of Randall's and Ward's Islands, and to prevent the creation of a nuisance in filling in the area between said bulk-head lines," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Wagstaff moved that the bill entitled "An act to legalize the acts of boards of excise throughout this State," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, two-thirds of all the members elected to the Senate not voting in favor thereof.

On motion of Mr. Kennaday the Senate adjourned.

WEDNESDAY, APRIL 25, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend chapter 385 of the Laws of 1867, entitled 'An act to incorporate the village of Warwick,' as amended by chapter 481 of the Laws of 1872," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to release to Frederick W. Bell, of the city and county of Albany and State of New York, the title and interest of the people of the State of New York in the real estate of which Walter A. Bell, late of the city of Albany, died seized," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend the 74th section of title 6 of chapter 6 of part 2 of the Revised Statutes, concerning the application for moneys paid into the State treasury by administrators," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend section 74 of title 6, chapter 6, part 2 of the Revised Statutes, relative to the application for moneys paid into the State treasury by administrators," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act in relation to proceedings in surrogate's courts," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the petition of Thomas E. Davis, praying for relief, reported that they have had the same under consideration, and have agreed to report by bill entitled "An act to authorize the recovery at law, for its use and occupation of premises by the counsel to the corporation of the city of New York, for the use of the law department thereof," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to enable the city of Brooklyn to acquire certain lands lying in Atlantic avenue, decided to be the property of the heirs of John Cowenhoven," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act in relation to the repaving and improvement of Fourth street, from Division avenue to Grand street,

in the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act relative to the operations of the United States Coast Survey, in the State of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act to incorporate the New York Pipe Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the bill entitled as follows:

"An act authorizing the commissioners of the land office to exchange lands on the Onondaga Salt Springs reservation," which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. McCarthy, and by unanimous consent, the rules were suspended, and said bill was ordered considered in first committee of the whole.

Mr. Robertson introduced a bill entitled "An act to amend chapter 611 of the Laws of 1869, entitled 'An act to incorporate the village of West Mount Vernon, county of Westchester,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Carpenter introduced a bill entitled, "An act to amend article 3 of title 3 of chapter 6 of part second of the Revised Statutes, relating to the distribution of the personal property of persons dying intestate," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Wagstaff moved that the bill entitled "An act to legalize the acts of boards of excise throughout this State," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The Assembly returned the bill entitled "An act to amend chapter 497 of the Laws of 1874, entitled 'An act to amend the charter of the city of Poughkeepsie, and to consolidate with it other acts relating to said city,'" with a message that they had concurred in the passage of the same, with the following amendments:

Section 1, line 10, after the word "commissioners," insert the word "and." Line 11, after the word "alms-house," strike out the words "and four supervisors." Section 5, strike out all after the word "respectively," in line 9, down to and including the word "seventy-nine," in last line.

Mr. Carpenter moved that said bill be referred to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the resolution requesting the Governor to return to the Senate the bill entitled "An act confirming a lease made by the Seneca Indians to George A. Berry," with a message that they had concurred in the same.

*Ordered,* That the Clerk deliver said resolution to the Governor.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, on the bills entitled as follows:



WEDNESDAY, APRIL 25, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend chapter 385 of the Laws of 1867, entitled 'An act to incorporate the village of Warwick,' as amended by chapter 481 of the Laws of 1872," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to release to Frederick W. Bell, of the city and county of Albany and State of New York, the title and interest of the people of the State of New York in the real estate of which Walter A. Bell, late of the city of Albany, died seized," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend the 74th section of title 6 of chapter 6 of part 2 of the Revised Statutes, concerning the application for moneys paid into the State treasury by administrators," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend section 74 of title 6, chapter 6, part 2 of the Revised Statutes, relative to the application for moneys paid into the State treasury by administrators," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act in relation to proceedings in surrogate's courts," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the petition of Thomas E. Davis, praying for relief, reported that they have had the same under consideration, and have agreed to report by bill entitled "An act to authorize the recovery at law, for its use and occupation of premises by the counsel to the corporation of the city of New York, for the use of the law department thereof," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to enable the city of Brooklyn to acquire certain lands lying in Atlantic avenue, decided to be the property of the heirs of John Cowenhoven," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act in relation to the repaving and improvement of Fourth street, from Division avenue to Grand street,

in the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act relative to the operations of the United States Coast Survey, in the State of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act to incorporate the New York Pipe Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the bill entitled as follows:

"An act authorizing the commissioners of the land office to exchange lands on the Onondaga Salt Springs reservation," which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. McCarthy, and by unanimous consent, the rules were suspended, and said bill was ordered considered in first committee of the whole.

Mr. Robertson introduced a bill entitled "An act to amend chapter 611 of the Laws of 1869, entitled 'An act to incorporate the village of West Mount Vernon, county of Westchester,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Carpenter introduced a bill entitled, "An act to amend article 3 of title 3 of chapter 6 of part second of the Revised Statutes, relating to the distribution of the personal property of persons dying intestate," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Wagstaff moved that the bill entitled "An act to legalize the acts of boards of excise throughout this State," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The Assembly returned the bill entitled "An act to amend chapter 497 of the Laws of 1874, entitled 'An act to amend the charter of the city of Poughkeepsie, and to consolidate with it other acts relating to said city,'" with a message that they had concurred in the passage of the same, with the following amendments:

Section 1, line 10, after the word "commissioners," insert the word "and." Line 11, after the word "alma-house," strike out the words "and four supervisors." Section 5, strike out all after the word "respectively," in line 9, down to and including the word "seventy-nine," in last line.

Mr. Carpenter moved that said bill be referred to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the resolution requesting the Governor to return to the Senate the bill entitled "An act confirming a lease made by the Seneca Indians to George A. Berry," with a message that they had concurred in the same.

*Ordered,* That the Clerk deliver said resolution to the Governor.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, on the bills entitled as follows:

"An act to provide for the restraint and abatement of nuisances by boards of health."

After some time spent therein, the President resumed the chair, and Mr. Loomis, from said committee, reported progress on the said named bill, and asked and obtained leave to sit again.

Mr. Harris, from the committee on finance, to which was recommitted the Assembly bill entitled "An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations," reported the same to the Senate.

Mr. Tobey moved that said bill be recommitted to the committee on finance, with instructions to amend as follows:

Insert after line 316 the following: "To John I. Davenport, for the balance of his bill for services as counsel for the Senate committee, to investigate the several departments of the city of New York, \$2,000, and to Darling, Griswold & Co., for board and rooms for said committee, \$769.58."

Mr. Gerard moved to amend the proposed amendment, by striking out the appropriation of \$2,000 for John I. Davenport."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

**FOR THE AFFIRMATIVE.**

Cole	Gerard	St. John	Starbuck
Coleman	Hammond	Schoonmaker	Vedder
Doolittle	Lamont	Sprague	Wellman

12

**FOR THE NEGATIVE.**

Baaden	Jacobs	Moore	Tobey
Bixby	Kennaday	Morrissey	Wagner
Bradley	Loomis	Robertson	Wagstaff
Carpenter	McCarthy	Selkreg	Woodin
Harris			

17

The President then put the question upon the motion of Mr. Tobey, and it was decided in the affirmative.

Mr. Harris, from the committee on finance, to which was recommitted the said bill, reported that they have made the amendments thereto, as instructed, and have directed their chairman to report the same to the Senate.

On motion of Mr. Loomis, and by unanimous consent, said bill was amended by striking out the appropriation for Ransom Balcom, as amended yesterday, and inserting the following:

"For Honorable Ransom Balcom, as a gratuity upon his retirement from the supreme court bench, in the sixth judicial district, after a service thereon of twenty-two years, the sum of \$5,400, being the remainder of his salary for the current year."

Mr. Selkreg moved that said bill be recommitted to the committee on finance, with instructions to amend as follows:

"Strike out the words "nine thousand dollars," in line 635 of printed bill, relative to printing report of State Engineer and Surveyor on Railroads, and insert the words "six thousand six hundred dollars."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

**FOR THE AFFIRMATIVE.**

Baaden	Doolittle	Loomis	Selkreg
Bixby	Gerard	McCarthy	Vedder

Bradley	Hammond	Moore	Wagner
Carpenter	Jacobs	Prince	Wagstaff
Cole	Kennaday	St. John	Wellman
Coleman	Lamont		

22

## FOR THE NEGATIVE.

Harris	Starbuck	Tobey	3
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Mr. Harris, from the committee on finance, to which was recommitted the said bill, reported that they have made the amendments thereto, as instructed, and have directed their chairman to report the same to the Senate.

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Harris	Morrissey	Tobey
Bixby	Jacobs	Robertson	Wagner
Bradley	Kennaday	St. John	Wagstaff
Carpenter	Loomis	Schoonmaker	Wellman
Coleman	McCarthy	Sprague	Woodin
Emerson	Moore	Starbuck	

23

## FOR THE NEGATIVE.

Cole	Gerard	Lamont	Selkreg
Doolittle	Hammond	Prince	7

Mr. Harris moved that said bill, as amended, be printed, pending its return to the Assembly.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to provide for the restraint and abatement of nuisances by boards of health."

Assembly, "An act authorizing the Commissioners of the Land Office to exchange lands in the Onondaga Salt Springs Reservation."

"An act to authorize steam surface railroad companies to charge and collect an excess of ten cents, where fare is paid in the cars."

After some time spent therein, the President resumed the chair, and Mr. Loomis, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Loomis, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Loomis, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

The Assembly returned the bill entitled "An act to amend chapter 683 of the Laws of 1871, entitled 'An act amending, revising and consolidat-

ing the several acts in relation to the village of Greenbush,' passed March 22, 1854, and April 29, 1863," with a message that they had concurred in the passage of the same, with the following amendments:

Section 1, line 21, after the word "expense," insert the word "shall." Line 21, after the word "premises," strike out the word "on," and insert the word "from." Line 23, after the word "obstructions," strike out the word "was," and insert the word "were," in place thereof." Line 24, after the word "and," insert the words "if such expense be not paid within the time limited and prescribed therefor by the said trustees." Same line, after the word "collection," insert the word "thereof," and strike out the words "of such expense," following:

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Baaden	Gerard	Prince	Starbuck
Bixby	Harris	Robertson	Tobey
Bradley	Jacobs	St. John	Vedder
Carpenter	Kennaday	Schoonmaker	Wagstaff
Coleman	Lamont	Selkreg	Woodin
Doolittle	McCarthy	Sprague	

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to enable the Orphan's Home and Asylum of the Protestant Episcopal Church, in New York, to acquire and hold real and personal estate, each to the amount of \$300,000," with a message that they had concurred in the passage of the same, with the following amendments:

At the end of section 1, and after the word "dollars," add the following: "This act shall not be construed as extending the amount of the property exempt from taxation, which said corporation is entitled to hold."

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Sprague
Bixby	Gerard	Moore	Tobey
Bradley	Harris	Morrissey	Vedder
Carpenter	Jacobs	Robertson	Wagstaff
Coleman	Kennaday	St. John	Woodin
Doolittle	Lamont	Selkreg	

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to prevent the making and publication of false and deceptive statements in relation to the business of fire insurance," with a message that they had concurred in the passage of the same with the following amendments:

Strike out all after the enacting clause and insert the following:

Section 1. It shall not be lawful for any company, corporation, association, individual or individuals now transacting, or now or hereafter authorized under any existing or future laws of this State, to transact the business of fire or fire and marine insurance, within this State, to

state or represent, either by advertisement in any newspaper, magazine or periodical, or by any sign, circular, card, policy of insurance, or certificate of renewal thereof, or otherwise, any funds or assets to be in possession of any such company, corporation, association, individual or individuals, not actually possessed by such company, corporation, association, individual or individuals, and available for the payment of losses by fire and held for the protection of holders of policies of fire insurance.

§ 2. Every advertisement or public announcement, and every sign, circular or card, policy of insurance or certificate of renewal thereof, made or issued by any company, corporation, association, individual or individuals, or any officer, agent, manager or legal representative thereof, now or hereafter authorized by any existing or future laws of this State, to transact the business of fire or fire and marine insurance within this State, which shall purport to make known the financial standing of any such company, corporation, association, individual or individuals, shall exhibit the capital actually paid in in cash, and the amount of net surplus of assets over all liabilities of such company, corporation, association, individual or individuals, actually available for the payment of losses by fire and held for the protection of holders of their policies of fire or fire and marine insurance, including in such liabilities the fund reserved for re-insurance of outstanding risks; and no such advertisement, sign, circular, card, policy of insurance or certificate of renewal thereof, or other announcement shall contain any abridgement or amplification of any such statement that shall be in essence a false or exaggerated statement of the amount of capital actually paid in cash, and the net surplus over all liabilities actually available for the payment of losses by fire, and held by such company so as to be primarily liable for the protection of the holders of policies of fire or fire and marine insurance issued by such company, corporation, association, individual or individuals, including in such liability the fund reserved for re-insurance of outstanding risks.

§ 3. The statement contained in every such advertisement, sign, circular, card or other announcement shall correspond with the verified statement made by the company, corporation, association, individual or individuals, making or issuing the same to the insurance department of this State, next preceding the making or issuing of the same. But nothing contained in this act shall be construed to prevent the publication of a separate and distinct item or statement of the amount of the subscribed capital of any company as such, and where subscribed.

§ 4. Any violation of any provision of this act shall, for the first offense, subject the company, corporation, association, individual or individuals, guilty of such violation, to a penalty of five hundred dollars, to be sued for and recovered in the name of the people with costs and expenses of such prosecution, by the district attorney of any county in which the company, corporation, association, or individual or individuals shall be located or may transact business, or in any county where said offense may be committed, and such penalty, when recovered, shall be paid into the treasury of such county for the benefit of the poor of said county. Every subsequent violation shall subject the corporation, association or person guilty of such violation to a penalty of not less than one thousand dollars, which shall be sued for, recovered and disposed of in like manner as for the first offense.

§ 5. This act shall take effect on the first day of July, eighteen hundred and seventy-seven.

Amend the title so as to read :

"An act to prevent the making and publication of false and deceptive statements in relation to the business of fire or fire and marine insurance."

Mr. Tobey moved that the Senate non-concur in the amendments made by the Assembly to said bill, that a committee of conference be appointed thereon, and that the Assembly be requested to appoint a like committee on their part.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee, Messrs. Tobey, Prince and Wagstaff.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in their amendments, and request a committee of conference thereon.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to further amend chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish, passed April 26, 1871,'" reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to further amend chapter 721 of the Laws of 1871, entitled 'An act to amend the several acts relating to the preservation of moose, wild deer, birds and fish,'" and said bill was committed to the committee of the whole.

Mr. Vedder moved that said bill, as amended, be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Jacobs, and by unanimous consent, the Senate in open session confirmed the appointment of certain notaries public.

On motion of Mr. Jacobs, and by unanimous consent, the rules were suspended and the Clerk was ordered to transmit said confirmations to the Governor immediately.

The bill entitled "An act to secure better public administration in the local government of the city of New York," having been announced for a third reading,

On motion of Mr. Woodin, and by unanimous consent said bill was amended as follows:

Section 40, line 9, printed bill, strike out the words "and the president of the board of aldermen." Same line, strike out the word "three," and insert the word "four." Line 10, after the word "citizens," insert the words "who shall be tax-payers in said city, who shall." Line 12, strike out the word "three," and insert the word "four." Line 14, after the words "terms of," insert the word "two." Line 19, strike out the word "they," and insert the word "it."

Mr. Woodin moved that said bill be recommitted to the committee on the affairs of cities, with instructions to amend as follows:

Section 40, strike out the concluding sentence in the words following: "This section shall not be construed so as to authorize the board of estimate and apportionment to reduce the salaries now paid to the teachers of the public schools of the said city, nor the salaries now paid to officers and members of the police and fire departments thereof respectively (except commissioners of the same), who are members of the said departments respectively, at the time of the passage of this act."

Mr. Wagstaff moved to amend the paragraph proposed to be stricken out by inserting after the words "paid to," in line 39, the words "those who at the time of the passage of this act are," and in line 40, after the words "paid to," insert the words "those who at the time of the passage of this act, act."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question upon the motion of Mr. Woodin, and it was decided in the affirmative.

Mr. Woodin, from the committee on the affairs of cities, to which was referred said bill, reported that they have made the amendments, as instructed, and directed their chairman to report the same to the Senate.

On motion of Mr. Woodin, and by unanimous consent, said bill was amended as follows:

Strike out in lines 23, 24 and 25 the words "other than the heads of departments, and the officers whose salaries have been or shall be specifically fixed by the present Legislature."

Mr. Wagstaff moved to reconsider the vote by which said bill was recommended to the committee on finance, with instructions to amend the same by striking out the paragraph prohibiting the board of estimate from reducing salaries of teachers and police and fire departments.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Morrissey	Wagstaff	3
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#### FOR THE NEGATIVE.

Coleman	Prince	Selkreg	Vedder
Doolittle	Robertson	Sprague	Wellman
Gerard	St. John	Starbuck	Woodin
Harris			13

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Doolittle	Prince	Sprague
Bixby	Gerard	Robertson	Vedder
Carpenter	Harris	St. John	Wellman
Coleman	Moore	Selkreg	Woodin
			16

#### FOR THE NEGATIVE.

Hammond	Morrissey	Starbuck	Wagstaff	4
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Mr. Woodin moved to reconsider the vote by which said bill was lost, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. St. John, and by unanimous consent, the committee of the whole was discharged from the further consideration of the Assembly bill entitled "An act to amend chapter 385 of the Laws of 1867, entitled 'An act to incorporate the village of Warwick,' as amended by chapter 481 of the Laws of 1872," and the same was read a third time.



The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Gerard	Prince	Starbuck	
Bixby	Harris	Robertson	Vedder	
Carpenter	Jacobs	St. John	Wagstaff	
Coleman	Moore	Selkreg	Wellman	
Doolittle	Morrissey	Sprague	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

On motion of Mr. Jacobs, the Senate adjourned.

THURSDAY, APRIL 26, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Moore presented a petition of citizens of St. Lawrence county, in favor of a law prohibiting the sale of oleomargarine as butter; which was read and referred to the committee on agriculture.

On motion of Mr. Wagstaff, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act relative to summary proceedings to recover the possession of lands for non-payment of rent, and for holding over after expiration of term, in the city of New York," was ordered considered in first committee of the whole.

On motion of Mr. Emerson, and by unanimous consent, the rules were suspended, and the bill entitled "An act to authorize the town of Webster, Monroe county, to issue bonds in payment of, or to take up bonds heretofore issued in aid of the Lake Ontario Shore Railroad," was ordered considered in first committee of the whole.

On motion of Mr. Harris, and by unanimous consent, the rules were suspended, and the bill entitled "An act to amend chapter 13, section 2, title 2, part 1, entitled 'of the assessment and collection of taxes,'" was ordered considered in first committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend chapter 611 of the Laws of 1869, entitled 'An act to incorporate the village of West Mount Vernon, county of Westchester,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend chapter 65 of the Laws of 1871, entitled 'An act to revise and consolidate the Laws in relation to the village of Geneva, in the county of Ontario,' passed March 3, 1871," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 65

of the Laws of 1871, entitled 'An act to revise and consolidate the Laws in relation to the village of Geneva, in the county of Ontario,' and said bill was committed to the committee of the whole.

Mr. Wellman, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act to authorize the trustees of the Baptist church and society of Hoosick, New York, to remove the dead from the burying ground to the cemetery, and to authorize them to sell their burying ground," reported in favor of the passage of the same and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to establish the boundary lines between the towns of Jay and Wilmington, in the county of Essex, and to confirm the past jurisdiction of said towns, respectively, in relation to said line," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to prevent fraud in the sale or exchange of merchandise," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to release the interest of the people of the State of New York, in certain real estate, to Robert McKay and Agnes Sparks," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release the interest of the people of the State of New York, in certain real estate in the city of Rochester, to Thomas Knowles," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend section 3, article 2, title 6, part 1 of the Revised Statutes, in relation to the election of President and Vice-President, reported in favor of the passage of the same (Messrs. Schoonmaker, Bradley and Kennaday, dissenting), and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the bills entitled as follows :

"An act to legalize and confirm the action of Ansel F. Conger, Jonathan W. Potter and Leander Stafford, assessors of Gowanda Union Free School District," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to further amend the charter of the city of Rochester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to establish the boundary line between the towns of Jay and Wilmington, in the county of Essex, and to confirm the past jurisdiction of said towns respectively, in relation to said line," which was read the first time, and by unanimous consent was also read the second time.

Mr. Robertson moved that said bill be substituted for Senate bill, same title.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill was then committed to the committee of the whole.

"An act extending the time for the trustees of the First Presbyterian Church of Waterford to file their claims for damages with the Canal Appraisers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act in relation to the salaries, fees, per centages and allowances of the officers of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to create a court in the city of New York, to be known as the 'city court of New York,' and to abolish the Marine Court of said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend section 3 of chapter 564 of the Laws of 1875, entitled 'An act to amend chapter 122 of the Laws of 1851, entitled An act for the incorporation of building, mutual, loan and accumulating fund associations,' passed June 9, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

The Assembly returned the following entitled bill, with a message that they had non-concurred in the passage of the same:

"An act to repeal sections 3, 4, 5, 6 and 8 of chapter 392 of the Laws of 1873, entitled 'An act for the relief of the Corning library.'"

The Assembly returned the bill entitled "An act to amend chapter 371 of the Laws of 1875, entitled 'An act to conform the charters of all savings banks, or institutions for savings, to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs,'" with a message that they had concurred in the passage of the same, with the following amendments:

In the place of section 1 substitute the following:

Section 1. Section 19 of chapter 371 of the Laws of 1875, entitled "An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs," is hereby amended so as to read as follows:

§ 19. Whenever a trustee of any savings bank shall hereafter become a trustee, officer, clerk or employe, in any other savings bank, or upon his borrowing, directly or indirectly, any of the funds of the savings bank of which he is trustee, or becoming a surety or guarantor for any money borrowed of, or loan made by, such savings banks, or upon his failure to attend the regular meetings of the board, or to perform any of the duties devolved upon him as such trustee, for six successive months, without having been previously excused by the board for such failure, the office of such trustee shall thereupon immediately become vacant; but the trustee vacating his office by failure to attend meetings or to discharge his duties may, in the discretion of the board, be eligible to a re-election. Upon the application in writing of a majority of the trustees of any savings bank, the Superintendent of the Banking Department may suspend any trustee from the discharge of his duties as trustee. The majority of trustees making such application for said suspension, shall state in writing the charges which they make against such trustee. The said superintendent shall examine such charges without delay, and shall give notice to the said suspended trustee, furnishing him with a

copy of the charges, and said trustee shall be heard in his defense against such charges, by himself or by his attorney. After giving to said trustee such hearing as he shall deem reasonable and just, the said superintendent shall have power to remove said trustee and to direct the board of trustees to fill the vacancy in said board created by such removal, or he may continue the suspension for such time as he may deem proper, or he may restore said trustee to his position as a member of said board of trustees, with the powers and rights of his associate trustees; and the said superintendent shall inform said board of trustees, in writing, of his decision upon their application respecting said trustee.

In place of section 2 substitute the following:

§ 2. Section 28 of said act is hereby amended so as to read as follows:

§ 28. It shall further be lawful for any such corporation to deposit temporarily in banks or trust companies, as provided in the last preceding section of this act, the excess of current daily receipts over the payments, until such time as the same can be judiciously invested in the securities named in section 26 of this act; and whenever it shall appear to the Superintendent of the Bank Department that the trustees of any such corporation are violating the spirit and intent of the foregoing provision, by keeping permanently uninvested all, or an undue proportion, of the moneys received by them, it shall be his duty to proceed against such corporation under the provisions of section 44 of this act.

Change section 1 to section 3.

Insert the following as section 4:

§ 4. Section 33 of said act is hereby amended so as to read as follows:

§ 33. It shall be the duty of the trustees of every such corporation to regulate the rate of interest or dividends, not to exceed five per centum per annum, upon the deposits therewith, in such manner that depositors shall receive, as nearly as may be, all the profits of such corporation, after deducting necessary expenses and reserving such amount as the trustees may deem expedient as a surplus fund for the security of depositors, which, to the amount of fifteen per cent of their deposits, the trustees of any such corporation are hereby authorized gradually to accumulate and hold, to meet any contingency or loss in its business from the depreciation of its securities or otherwise; provided, however, that the trustees of any such corporation may classify their depositors according to the character, amount and duration of their dealings with the corporation, and regulate the interest or dividends allowed in such manner that each depositor shall receive the same ratable proportion of interest or dividends as all others of his class. It shall be unlawful for the trustees of any savings banks to declare or allow interest on any deposit for a longer period than the same has been deposited, except that deposits made not later than the tenth day of the month, commencing any semi-annual interest period, or than the third day of any month, or withdrawn on one of the last three days of the month may have interest declared upon them for the whole of the period or month when so deposited or withdrawn. No dividends or interest shall be declared, credited or paid, except by the authority of a vote of the board of trustees, duly entered upon their minutes, whereon shall be recorded the ayes and nays upon each vote, and whenever any interest or dividends shall be declared and credited in excess of the interest or profits earned and appearing to the credit of the corporation, the trustees voting for such dividend shall be jointly and severally liable to the corporation for the amount of such excess so declared and credited. And it shall be the duty of the trustees

of any such corporation whose surplus amounts to fifteen per cent of its deposits, at least once in three years, to divide equitably the accumulation beyond such authorized surplus as an extra dividend to depositors, in excess of the regular dividends hereinbefore authorized.

Change section 2 to section 5. Change section 3 to section 6.

Insert the following as section 7 :

§ 7. Section 43 of said act is hereby amended so as to read as follows :

§ 43. It shall be the duty of the said superintendent once in each year, either personally or by some competent person or persons to be appointed by him, to visit and examine every savings corporation in this State. The superintendent shall also have power, in like manner, to examine any such corporation, whenever, in his judgment, its condition or management is such as to render an examination of its affairs necessary or expedient. The said superintendent and every such examiner shall have power to administer an oath to any person whose testimony may be required on any such examination, and to compel the appearance and attendance of any such person for the purpose of such examination, by summons, subpoena or attachment, in the manner now authorized in respect to the attendance of persons as witnesses in the courts of record of this State; and all books and papers which it may be deemed necessary to examine by the superintendent or the examiner or examiners so appointed, shall be produced, and their production may be compelled in like manner. The expense of every such special examination, if any, shall be paid by the corporation examined, in such amount as the superintendent shall certify to be just and reasonable. Whenever such special examination shall be made by the superintendent in person, or by one or more of the regular clerks in his department, no charge shall be made except for necessary traveling and other actual expenses. The result of any such examination shall be certified by the examiners, or one of them, upon the records of the corporation examined, and the results of all the regular examinations during the previous year shall be embodied in the annual report of the superintendent required by this act to be submitted to the legislature.

Insert the following as section 8 :

§ 8. Section 44 of said act is hereby amended so as to read as follows :

§ 44. Whenever it shall appear to the said superintendent from any examination made by him, or from the report of any examination made by or under his direction, or from the report made by any such corporation pursuant to the requirements of sections 36, 37 and 38 of this act, that any such corporation has committed any violation of its charter or of law, or is conducting its business and affairs in an unsafe and unauthorized manner, he shall, by an order under his hand and seal, direct the officers of such institution to conduct its affairs with safety, with security and in strict conformity with the requirements of law; and to discontinue illegal, unsafe or unauthorized practices; and whenever any such corporation shall refuse or neglect to make any such report, as is herein required, or to comply with any such order as aforesaid, or whenever it shall appear to the superintendent that it is unsafe or inexpedient for any such corporation to continue to transact business, or is insolvent, and unable to pay debts, liabilities and obligations in full as required by law, the superintendent shall forthwith appoint a receiver under his hand and seal, of all the property, assets and effects of such corporation. Such receiver shall give such bonds and security as said superintendent shall require, and shall take immediate

possession of all the books, records, property, assets and effects of every description of such corporation, collect all debts, dues, claims and demands belonging to such corporation. And such receiver shall also have and possess all the rights, power and authority, and be subject to the same obligations and duties as are provided by law in relation to receivers appointed in case of voluntary dissolution of a corporation so far as the same be applicable. The appointment of such receiver shall be filed and recorded in a book to be kept for that purpose in the office of said superintendent, and a certified copy thereof shall be filed and recorded by said superintendent in the office of the clerk of the county in which such corporation is located, and a certified copy thereof shall be received in evidence in all the courts of this State to prove the appointment of such receiver. If any such corporation, for which a receiver has been appointed by said superintendent, shall deny its insolvency, such corporation may at any time, within ten days after being notified of the appointment of such receiver, apply to the supreme court or to the judge or justice thereof to enjoin all further proceedings by such superintendent or receiver, and such judge or justice, after notice to said superintendent and receiver to show cause why all further proceedings should not be enjoined, and after the decision of the judge or court, or the finding of the jury on a feigned issue, if one shall be awarded, that such bank is not insolvent, shall make an order revoking the appointment of such receiver, and enjoining such superintendent and receiver from all further proceedings on account of such alleged insolvency. The said receiver shall act under the directions and advice of said superintendent unless otherwise directed by an order of the court, and shall be subject to removal for cause by said superintendent and also by order of the supreme court, and in case of his removal, death or resignation, a successor shall in like manner be appointed by said superintendent.

Change section 4 to section 9 and add to it the following:

"It shall be the duty of the trustees of any such corporation, as often as once in each six months during each year, to cause to be taken an accurate balance of their depositors' ledgers, and in their semi-annual report to the Superintendent of the Banking Department, they shall state the fact that such balance has been taken, and shall state the discrepancies, if any, existing between the amount due to depositors as shown by such balances, and the amount due to depositors as shown by the general ledger."

Mr. Coleman moved that said bill be referred to the committee on banks.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That the legislature do concur in the rates of toll established by the Canal Board for the year 1877, on persons and property transported on the Erie, Champlain, Oswego and Cayuga and Seneca canals; said rates being in all respects the same as for 1876, excepting a reduction of fifty per cent on grain, peas, salt manufactured in this State, and lumber transported in boats, and the exemption of boats from the payment of tolls.

*Resolved* (if the Senate concur), That the legislature do consent to the reduction of tolls on flour, iron ore, staves and heading transported on

the Erie, Champlain, Oswego and Cayuga and Seneca Falls; on coal going towards and from tide-water, and on all up freight, except foreign salt, to such an extent not exceeding fifty per cent below the rates of 1876, as the Canal Board shall, in its discretion, think expedient, and as the exigencies of trade shall demand during the ensuing season of navigation.

*Resolved* (if the Senate concur), That the legislature do concur in the action of the Canal Board under date of April 10, 1877, in the adoption of the following resolution:

*Resolved*, That the rate of toll on peas and beans, in the toll-sheet heretofore submitted to the legislature, be fixed at one-half mill per 1,000 pounds per mile, and that the legislature be requested to concur therewith.

*Ordered*, That said resolutions be referred to the committee on canals. A message was received from the Governor in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, April 26, 1877. }

*To the Legislature:*

I have the honor to transmit herewith a report of the officers appointed by the President of the United States to examine and revise the exterior pier and bulk-head lines of the harbor of New York, on the Staten Island side, in accordance with a concurrent resolution of the Senate and Assembly, adopted in the year 1875.

L. ROBINSON.

Which was laid upon the table and ordered printed.

(See Doc. No. 53.)

Mr. Robertson introduced a bill entitled "An act to provide for the adjustment and payment of a deficiency in the State tax of 1874, arising out of the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

Also, a bill entitled "An act relating to highways in the town of Eastchester, Westchester county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Bixby introduced a bill entitled "An act to make further provision for the payment of further expenses of the local government of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to authorize St. Joseph's Church, in the city of Yonkers, to acquire land, and use the same for cemetery or burial purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Wellman introduced a bill entitled "An act in relation to elections in certain towns of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Woodin introduced a bill entitled "An act authorizing the trustees of the village of Palmyra, to drain low lands in said village," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to provide for the restraint and abatement of nuisances by boards of health."

"An act to authorize steam surface railroad companies to charge and collect an excess of ten cents, where fare is paid in the cars."

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to facilitate the establishment of a botanical garden in the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act further to amend chapter 77 entitled 'An act to amend the act to combine into one act the several acts relating to the city of Albany, passed April 12, 1842, and the several acts amendatory thereof, so far as they relate to the city of Albany,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The bill entitled "An act to amend chapter 489 of the Laws of 1875, entitled 'An act to amend chapter 583 of the Laws of 1874, entitled An act to lay out and improve a public highway or avenue, and concourse in continuation of a public highway or avenue heretofore laid out from Prospect park in the city of Brooklyn, toward Coney Island, in the county of Kings,'" having been announced for a third reading,

On motion of Mr. Jacobs, and by unanimous consent, the title of said bill was amended so as to read as follows:

"An act to amend chapter 583 of the Laws of 1874, entitled 'An act to lay out and improve a public highway or avenue, and concourse in continuation of a public highway or avenue heretofore laid out from Prospect park in the city of Brooklyn, toward Coney Island, in the county of Kings, as amended by chapter 489 of the Laws of 1875.'"

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Emerson	Lamont	Schoonmaker
Bradley	Gerard	Loomis	Selkreg
Carpenter	Hammond	Morrissey	Starbuck
Cole	Harris	Prince	Wagstaff
Coleman	Jacobs	Robertson	Wellman
Doolittle	Kennaday	St John	

28

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Wagstaff moved to take from the table the Assembly bill entitled "An act further to amend chapter 338 of the Laws of 1875, entitled 'An act to amend an act entitled An act for the relief of the surviving members of the First Regiment of New York Volunteers who served in the war with Mexico.'"

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill being announced for a third reading,



On motion of Mr. Wagstaff, and by unanimous consent, said bill was amended as follows:

Section 2, line 11, strike out the words "nine hundred and seventy-four dollars," and insert the words "one thousand eight hundred and eighty-eight dollars." Same section, after the name "William G. Vincent," insert the words "two hundred and eighty-eight dollars shall be paid to Goodrich Spaulding, one hundred and eighteen dollars to Richard T. Jefferson, and two hundred and eighty-eight dollars to Martin L. Dorn, and two hundred and twenty dollars to Minerva Burtch, widow of James E. Burtch." Insert after the name "Vincent," secondly occurring, the names "Goodrich Spaulding, Richard T. Jefferson, Martin L. Dorn and James E. Burtch."

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Schoonmaker
Bixby	Gerard	McCarthy	Selkreg
Bradley	Hammond	Moore	Starbuck
Carpenter	Harris	Prince	Wagstaff
Coleman	Jacobs	Robertson	Wellman
Doolittle	Kennaday	St. John	23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act authorizing the commissioners of the land office to exchange lands on the Onondaga Salt Springs reservation," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Selkreg
Bixby	Gerard	Moore	Starbuck
Bradley	Jacobs	Morrissey	Vedder
Carpenter	Kennaday	Robertson	Wagstaff
Cole	Lamont	St. John	Wellman
Doolittle	Loomis		22

FOR THE NEGATIVE.

Schoonmaker	1
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to provide for the restraint and abatement of nuisances by boards of health," having been announced for a third reading,

Mr. Kennaday moved that said bill be recommitted to the committee on public health, with instructions to strike out the second section.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Harris	Robertson	Starbuck
Carpenter	Loomis	St. John	Vedder
Cole	McCarthy	Schoonmaker	Wagstaff
Doolittle	Moore	Selkreg	Wellman
Gerard	Morrissey		

18

FOR THE NEGATIVE.

Jacobs	Kennaday	Prince	3
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Woodin moved to take from the table the motion to reconsider the vote by which the Assembly bill entitled "An act to secure the better public administration in the local government of the city of New York," was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to reconsider the vote by which said bill was lost, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Tobey
Carpenter	Harris	Prince	Vedder
Cole	Jacobs	Robertson	Wellman
Coleman	Kennaday	St. John	Woodin
Doolittle	McCarthy	Selkreg	

19

FOR THE NEGATIVE.

Morrissey	Starbuck	Wagstaff	3
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Mr. Wagstaff moved to reconsider the vote by which said bill was passed.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bixby	Hammond	Loomis	Schoonmaker
Bradley	Lamont	Morrissey	Wagstaff

8

FOR THE NEGATIVE.

Carpenter	Jacobs	Prince	Starbuck
Cole	Kennaday	Robertson	Vedder
Coleman	McCarthy	St. John	Wellman
Doolittle	Moore	Selkreg	Woodin
Harris			

17

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly returned the Assembly bill entitled "An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations," with a message that they do non-concur in the amendments of the Senate thereto, request a committee of conference thereon, and have appointed as such committee on their part, Messrs. Husted, Alvord, Hayes, Cozans and Maynard.

Mr. Harris moved that a committee of conference on the part of the Senate be appointed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee Messrs. Harris, McCarthy and Jacobs.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have appointed a committee of conference thereon.

The bill entitled "An act supplemental to chapter 448 of the Laws of 1876, entitled 'An act relating to courts, officers of justice and civil proceedings,'" having been announced for a third reading,

Mr. Harris moved that said bill be recommitted to the committee on the judiciary, with instructions to amend the same by inserting a section to the effect that the provisions of said act shall not go into effect until the 1st day of May, 1878.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Gerard	Jacobs	Selkreg
Cole	Hammond	Lamont	Tobey
Emerson	Harris	McCarthy	11

#### FOR THE NEGATIVE.

Baaden	Kennaday	Robertson	Vedder
Bradley	Loomis	St. John	Wagstaff
Carpenter	Moore	Schoonmaker	Wellman
Coleman	Morrissey	Starbuck	Woodin
Doolittle	Prince		18

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Doolittle	Robertson	Vedder
Bixby	Kennaday	St. John	Wagstaff
Bradley	Moore	Schoonmaker	Wellman
Carpenter	Morrissey	Starbuck	Woodin
Coleman	Prince		18

#### FOR THE NEGATIVE.

Cole	Harris	Loomis	Selkreg
Emerson	Jacobs	McCarthy	Tobey
Gerard	Lamont		10

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

By unanimous consent, Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act in relation to the laying out of a public ground in the fourth ward of the city of Schenectady, and authorizing the common council to borrow money for that purpose," reported in favor of the passage of the same.

On motion of Mr. Selkreg, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

By unanimous consent, Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to provide for the removal of eel weirs, and other devices for taking fish from the Delaware river and its branches, and to prevent the maintenance of such devices," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to provide for the removal of eel weirs, and other devices for taking fish from the Delaware river, or any of the tributaries thereof, and to prevent the maintenance of such devices," and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to amend chapter 583 of the Laws of 1874, entitled 'An act to lay out and improve a public highway or avenue and concourse in continuation of a public highway or avenue heretofore laid out from Prospect park, in the city of Brooklyn, towards Coney Island, in the county of Kings,' as amended by chapter 489 of the Laws of 1875."

The bill entitled "An act to authorize steam surface railroad companies to charge and collect an excess of ten cents, where fare is paid in the cars," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Coleman	Gerard	Loomis	Tobey	
Doolittle	Kennaday	Selkreg	Wagstaff	8

FOR THE NEGATIVE.

Cole	Lamont	Morrissey	Starbuck	
Emerson	McCarthy	Schoonmaker	Vedder	
Hammond	Moore			10

Mr. Doolittle moved to reconsider the vote by which said bill was lost, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Moore moved that the committee of the whole be discharged from the further consideration of the bill entitled "An act for the protection of dairymen, and to prevent deception and secure fair dealing in sales of butter and cheese," and that the same be recommitted to the committee on agriculture, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Jacobs moved to take from the table the adverse report of the committee on the affairs of cities, upon the bill entitled "An act to amend

chapter 863 of the Laws of 1873, entitled 'An act to amend the charter of the city of Brooklyn and the various amendments thereof,' passed June 28, 1873, and to further amend the charter of the city of Brooklyn, as amended by an act for that purpose passed June 1, 1874, and as further amended by an act for that purpose, entitled 'An act to amend the charter of the city of Brooklyn, being the act for that purpose, passed June 28, 1873, and the act for that purpose passed June 1, 1874,' passed June 21, 1875, and the act for that purpose passed May 15, 1876."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Jacobs moved to disagree with the adverse report of the committee on the affairs of cities, upon said bill, and that said bill be committed to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Gerard, and by unanimous consent, the rules were suspended, and the following entitled Assembly bill was ordered considered in first committee of the whole, not full:

"An act to facilitate the establishment of a botanical garden in the city of New York."

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act further to amend chapter 366 of the Laws of 1859, entitled 'An act to establish an insurance department,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

The Assembly returned the bill entitled "An act to prevent the making and publication of false and deceptive statements in relation to the business of fire insurance," with a message that they agree to a committee of conference thereon, and had appointed as such committee on their part, Messrs. Graham, Cowdin, Lang, Weiant and Floyd-Jones.

Mr. Doolittle, from the committee on public printing, to which was referred the Assembly resolution to print 1,000 extra copies of the Annual Report of the Trustees of the State Library, reported in favor of the adoption of the following resolution:

*Resolved* (if the Senate concur), That there be printed 1,000 extra copies of the annual report of the Trustees of the State Library, for the use of said trustees, to be bound in paper covers, and at a cost not to exceed ten cents per page per 100 copies for the printing thereof.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Starbuck
Carpenter	Hammond	Morrissey	Tobey
Coleman	Jacobs	Prince	Wagstaff
Doolittle	Kennaday	Robertson	Wellman
Emerson	Loomis	Schoonmaker	

19

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Doolittle, from the committee on public printing, to which was referred the Assembly resolution to print 1,000 extra copies of the second annual report of the Central New York Institution for Deaf Mutes, reported in favor of the adoption of the following resolution:

*Resolved* (if the Senate concur), That one thousand (1,000) extra copies of the Second Annual Report of the Central New York Institution for Deaf Mutes, for the use of said institution, at a cost not to exceed ten cents per page per 100 copies, be printed.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows ;

## FOR THE AFFIRMATIVE.

Bixby	Jacobs	Moore	Starbuck
Carpenter	Kennaday	Prince	Tobey
Coleman	Lamont	Robertson	Vedder
Doolittle	Loomis	St. John	Wagstaff
Emerson	McCarthy	Schoonmaker	Wellman
Gerard			

21

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Doolittle, from the committee on public printing, to which was referred the Assembly resolution to print 2,500 extra copies of the Fifty-eighth Annual Report of the New York Institution for the Instruction of the Deaf and Dumb, reported in favor of the adoption of the following resolution :

*Resolved* (if the Senate concur), That two thousand five hundred (2,500) extra copies of the Fifty-eighth Annual Report of the New York Institution for the Instruction of the Deaf and Dumb for the officers of said institution, without lithographic plates, be bound in paper, at a cost for printing thereof, not to exceed ten cents per page per 100 copies, be printed.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Starbuck
Bradley	Hammond	Moore	Tobey
Carpenter	Jacobs	Prince	Vedder
Coleman	Kennaday	Robertson	Wagstaff
Doolittle	Lamont	St. John	Wellman
Emerson			

21

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Loomis, from the committee on public printing, to which was referred the Assembly resolution to print 1,000 copies of the Sixth Annual Report of the Le Couteulx St. Mary's Institution for the Improved Instruction of Deaf Mutes, reported in favor of the adoption of the following resolution :

*Resolved* (if the Senate concur), That 1,000 extra copies of the Sixth Annual Report of the Le Couteulx St. Mary's Institution for the Improved Instruction of Deaf Mutes, for the use of said institution, at a cost not to exceed ten cents per page per 100 copies, be printed.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Loomis	St. John
Carpenter	Hammond	McCarthy	Tobey
Coleman	Jacobs	Moore	Vedder
Doolittle	Kennaday	Prince	Wagstaff
Emerson	Lamont	Robertson	Wellman

20

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Loomis, from the committee on public printing, to which was referred the Assembly resolution to print 500 extra copies of the Tenth Annual Report of the New York Institution for the Improved Instruction of Deaf Mutes, reported in favor of the adoption of the following resolution:

*Resolved* (if the Senate concur), That five hundred (500) extra copies of the Tenth Annual Report of the New York Institution for the Improved Instruction of Deaf Mutes, for the use of said institution, be bound in paper at a cost for printing thereof not to exceed ten cents per page per 100 copies, be printed.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Tobey
Bradley	Jacobs	Prince	Vedder
Carpenter	Kennaday	Robertson	Wagstaff
Coleman	Lamont	St. John	Wellman
Doolittle	Loomis	Selkreg	Woodin
Emerson	McCarthy	Starbuck	

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*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. McCarthy, from the committee on literature, to which was referred the Assembly bill entitled "An act authorizing the inhabitants of school district No. 8, in the town of Pike, county of Wyoming, to sell a portion of their school-house site," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. McCarthy, from the committee on literature, to which was referred the Assembly bill entitled "An act to further amend chapter 137 of the Laws of 1842, entitled 'An act in relation to common schools in the city of Utica,' and chapter 66 of the Laws of 1850, entitled 'An act in relation to common schools in the city of Utica,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Carpenter offered the following:

*Resolved*, That the Clerk of the Senate be, and he hereby is, directed to cause to be printed the testimony taken before the special committee of investigation appointed April 17, 1877, in the matter of Senator Woodin, as soon as said testimony shall be furnished to him, in whole or in part, by the committee or its stenographer.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Woodin moved that the time in which said committee were to

report be extended, and that said committee be requested to report with all convenient speed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

- "An act to authorize the town of Webster, Monroe county, to issue bonds in payment of, or to take up bonds heretofore issued in aid of the Lake Ontario Shore Railroad."

Assembly, "An act relative to summary proceedings to recover the possession of lands for non-payment of rent, and for holding over after expiration of term, in the city of New York."

"An act further to amend chapter 13, section 2, title 2, part 1, entitled 'Of the assessment and collection of taxes.'"

After some time spent therein, the President resumed the chair, and Mr. Vedder, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Vedder, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Vedder, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to facilitate the establishment of a botanical garden in the city of New York."

"An act to enable the trustees of the Seaman's Fund and Retreat in the city of New York, to borrow money."

"An act to amend chapter 69 of the Laws of 1847, entitled 'An act concerning the pilots of the channel of the East river, commonly called Hell Gate.'"

After some time spent therein, the President resumed the chair, and Mr. Moore, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Moore, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Moore, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Jacobs moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be recommitted to the committee on commerce and navigation, with instructions to examine as to the constitutionality of its provisions.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Tobey, from the committee on insurance, to which was referred the Assembly bill entitled "An act to amend chapter 617 of the Laws of 1873, entitled 'An act regulating the deposit of securities by plate-glass insurance companies,'" reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act in



relation to the insurance of plate-glass," and said bill was committed to the committee of the whole.

Mr. Tobey, from the committee on insurance, to which was referred the bill entitled "An act further to amend chapter 366 of the Laws of 1859, entitled 'An act to establish an insurance department,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Harris, and by unanimous consent, the rules were suspended, and the bill entitled "An act further to amend chapter 13, section 2, title 2, part 1, entitled 'Of the assessment and collection of taxes,'" was ordered considered in first committee of the whole.

On motion of Mr. Moore, and by unanimous consent, the rules were suspended, and the bill entitled "An act to amend chapter 400 of the Laws of 1872, entitled 'An act to incorporate the Oswegatchie Bridge Company,'" was ordered considered in first committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act further to amend chapter 13, section 2, title 2, part 1, entitled 'Of the assessment and collection of taxes.'"

"An act to amend chapter 400 of the Laws of 1872, entitled 'An act to incorporate the Oswegatchie Bridge Company.'"

"An act to authorize the city of Oswego to postpone the levy of a tax to pay bonds not due, and to issue new bonds in place of a part of the bonds heretofore issued to facilitate the construction of the New York and Oswego Midland Railroad."

After some time spent therein, the President resumed the chair, and Mr. McCarthy, from said committee, reported in favor of the passage of the first named bill, with amendments, and have amended the title by inserting after the words "part 1," the words "of the Revised Statutes," which report was agreed to, and the same ordered engrossed for a third reading.

Mr. McCarthy, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered engrossed for third reading.

Mr. Wagstaff moved that the bill entitled "An act to legalize the acts of boards of excise throughout this State," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, two-thirds of all the members elected to the Senate not voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act providing for the incorporation of the Tompkins County New York Patrons' Mutual Fire Relief Association."

"An act to authorize the trustees of the village of Skaneateles, in the county of Onondaga and State of New York, to sell certain real estate, and to raise money by tax for building an engine-house, and for other village purposes."

Assembly, "An act to authorize the First Presbyterian Church of Kortright, Delaware county, to change its corporate name, and to legalize the acts of the trustees of said church, heretofore done under the name of the Trustees of the United Presbyterian Church of Kortright, and to

legalize all the proceedings had by said church under the name of said United Presbyterian Church."

After some time spent therein, the President resumed the chair, and Mr. Hammond, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Hammond, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Hammond, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered to a third reading.

On motion of Mr. Gerard, and by unanimous consent, the rules were suspended, and the Senate, in open executive session, confirmed the nominations of certain notaries public.

On motion of Mr. Gerard, and by unanimous consent, the Clerk was ordered to deliver said confirmations to the Governor immediately.

Mr. Wagstaff moved that the Assembly bill entitled "An act further to amend chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,'" be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, two-thirds of all the members elected to the Senate not voting in favor thereof.

By unanimous consent, Mr. Gerard asked and obtained leave to introduce a bill entitled "An act to further amend chapter 128 of the Laws of 1824, entitled 'An act to incorporate the Society for the Reformation of Juvenile Delinquents, in the city of New York,' passed March 29, 1824, as amended by chapter 241 of the Laws of 1860, passed April 10, 1860,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

On motion of Mr. Robertson the Senate adjourned.

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## FRIDAY, APRIL 27, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Starbuck presented a petition of producers of butter and cheese, in Lewis county, for the passage of the bill for the protection of dairy-men; which was read and committed to the committee of the whole.

Mr. Cole presented a remonstrance of citizens of Lockport, against the passage of any law facilitating the granting of licenses to sell liquors or to legalize the acts of excise boards or commissioners of excise; which was read and committed to the committee of the whole.

Mr. Wagstaff presented the Annual Report of the American Geographical Society of New York, for the year 1876; which was laid upon the table and ordered printed.

(See Doc. No. .)

The President presented resolutions adopted by the New York Board of Trade, relative to the use of proxies in the election of directors of companies; which was laid upon the table and ordered printed.

(*See Doc. No. 54.*)

Also, a statement of the Auditor's report upon Tolls, Trade and Tonnage of the Canals for 1876, and resolutions of the Canal Board relative to abolition or nominal imposition of tolls upon furs, peltries, pork, beef, bacon, etc.; which was read and referred to the committee on canals and ordered printed.

(*See Assem. Doc. No. 134.*)

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release the interest of the people of the State of New York, in certain real estate, to Mary Jetton," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Moore, from the committee on agriculture, to which was recommended the bill entitled "An act for the protection of dairymen and to prevent deception and secure fair dealing in sales of butter and cheese," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Cole, from the committee on canals, to which was referred the Assembly bill entitled "An act authorizing and empowering the common council of the city of Rochester, to construct a turn-table or swing-bridge over the Erie canal, in Allen street, in the city of Rochester," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Cole, from the committee on canals, to which was referred the Assembly bill entitled "An act extending the time for the trustees of the First Presbyterian church of Waterford, to file their claim for damages with the Canal Appraisers," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act in relation to elections in certain towns of this State," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the bills entitled as follows:

"An act to provide for the enlargement of the school-house site of school district No. 9 of the towns of Ellicott, Ellery and Gerry, in the county of Chautauqua," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to confer jurisdiction in civil cases upon the police justice of the village of Sand Bank, Oswego county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend section 9 of chapter 86 of the Laws of 1855, entitled 'An act to amend an act to provide for the incorporation of villages,' passed December 7, 1847, so far as relates to the village of Niagara City, in the county of Niagara," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to legalize and confirm the titles of Edwin Carr and Maurice Nelau, to certain lands situate in Bethany, Genesee county, New York, which were heretofore conveyed to them by the superintendents of the

poor of said county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act authorizing licenses to keep taverns, without including a license to sell spirituous or intoxicating liquors," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act in relation to the floating debt of the village of Edgewater," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to authorize the clerk to the surrogate's court of the county of New York to sign any of the records of said court, and to sign and issue any order to show cause where no injunction or stay of proceedings is granted thereby," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend chapter 482 of the Laws of 1875, entitled 'An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend sections 6 and 29 of chapter 495 of the Laws of 1875, entitled 'An act relating to the court of arbitration of the chamber of commerce of the State of New York, and to provide for the expenses thereof,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to regulate the rate of foot passengers' ferriage on the boats of the East River Ferry Company plying between East Thirty-fourth street, city of New York, and Hunter's Point, Long Island City," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to provide for lighting the streets in the village of Perry, in the county of Wyoming, State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act relating to the payment of assessments for local improvements in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend an act entitled 'An act relating to fares for carrying passengers on street railroads in the city of Buffalo,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act authorizing the board of trustees of the village of Green Island to contract for a supply of water for public purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend chapter 402 of the Laws of 1868, entitled 'An act to authorize the trustees of incorporated rural cemeteries to impose a tax upon the lot owners in said cemeteries,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act to amend chapter 776 of the Laws of 1870, entitled 'An act to amend an act entitled An act to provide for the incorporation of villages,'

passed December 7, 1847, and the several acts amendatory thereof, so far as the same relate to the village of Mount Vernon, in the county of Westchester, and to declare, enlarge and define the powers and duties of the officers of said village, and to confirm and extend the powers of the corporation of said village, passed May 10, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to change the bulk-head and pier lines for Newtown creek, in the port of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to amend an act entitled 'An act to amend the act entitled An act to revise, amend and consolidate the laws in relation to the village of Norwich, in the county of Chenango,' passed March 23, 1857, and the act amendatory thereto, passed April 3, 1867,' passed April 26, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend chapter 330 of the Laws of 1850, entitled 'An act re-incorporating the village of Little Falls by the name of Rockton,' and the laws amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act in relation to certain moneys heretofore appropriated towards the endowment of an academy in the village of Delhi," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

The Assembly returned the bill entitled "An act to amend chapter 448 of the Laws of 1876, entitled 'An act relating to courts, officers of justice and civil proceedings,' and to provide for the publication of the act as amended," with a message that they had concurred in the passage of the same, with the following amendments:

Section 1, subdivision 4, add after the word "writ," the following: Section 17, by striking out the words "August, 1876," and inserting in place thereof, the words "October, 1877." Subdivision 9, after the word "apply," in line 2, insert as follows: Section 58, by striking out the words "law department of the University of Albany," and inserting in place thereof, the words "Albany law school, the law department of Union University." Subdivision 11, after the words "New York," in line 5, insert the word "Erie." Subdivision 15, insert after the word "thereby," in last line, as follows: Section 135, by striking out the word "civil," between the words "all of the" and the words "prisoners as the case requires."

At the end of subdivision 17, insert the following: Section 201, by striking out the words "Secretary of State, Comptroller and Treasurer," and inserting in place thereof, the words "in writing, of the judges of the court or a majority of them."

At the end of subdivision 47, insert the following: Section 394, by striking out all after the words "within six years after," and inserting in place thereof the words "the cause of action has accrued." Subdivision 169, after the word "the," in line 4 of section 758, insert the words "estate of a person or party jointly liable upon contract with others, shall not be discharged by his death, and the." Subdivision 181, strike out the word "made," in line 2, and insert the words "to be published."

Subdivision 202, after the word "nineteen," in line 4, insert the words "of section two." Subdivision 258, line 4, strike out the words "her own" and insert the word "the." After the word "benefit," in same line, strike out the words "in carrying on a separate business," and insert the words "of her separate estate, or in the course of any trade or other business carried on by her on her sole and separate account."

Insert as subdivision 274, the following: Section 1496, by striking out the words "seventy-seven" and inserting in lieu thereof, the words "seventy-eight." New subdivision 274 (section 2), line 23 of said section 2, strike out the words "deemed the standard text of the Code of Civil Procedure," and insert the words "presumptive evidence of the matters so certified." Section 4, after the word "effect," strike out the word "all" and insert the word "immediately."

Mr. Robertson moved that the Senate non-concur in the amendments of the Assembly to said bill, that a committee of conference be appointed thereon, and that the Assembly be requested to appoint a like committee.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee Messrs. Robertson, Harris and Schoonmaker.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in their amendments, and request a committee of conference thereon.

The Assembly returned the bill entitled "An act in relation to the collection of taxes and the sales of land therefor, in certain towns of Queens county," with a message that they had concurred in the passage of the same, with the following amendments:

Strike out all after the enacting clause, and insert as follows:

SECTION 1. The receivers of taxes of the towns of Flushing, Newtown, Hempstead and Jamaica, in Queens county, and the collectors of taxes of the towns of Oyster Bay and North Hempstead, in said county, shall continue to be elected and enter upon and hold their respective offices as now provided by law. And all provisions of law relating to filling vacancies in said offices, and for the enforcement of penalties for neglect or violation of their duties, and for the location of their respective offices for receiving the taxes, are hereby continued in force.

§ 2. Each of said officers, before entering upon the duties of his office, shall execute to the supervisor of the town of which he is receiver or collector, a bond with sufficient sureties and in such penalty, not less than \$50,000, as the supervisor of the town shall direct; and the sureties shall severally justify under oath, to be indorsed upon said bond, in sums which together shall constitute at least double the amount of the penalty of the said bond, and shall be such sureties as the supervisor of the town may approve. If any person who shall become the surety of any such receiver or collector shall, by notice in writing to be served on the supervisor of the town in which such receiver or collector holds office, require the said receiver or collector to renew his official bond, such person shall be discharged from any future liability as such surety, from and after the settlement of the accounts of such receiver or collector for money received by him, which settlement shall be made by the said receiver or collector within thirty days after notice from the supervisor to that effect. Each of said receivers and collectors shall receive for his services such

salary, commission or other compensation as is now provided by law to be paid receivers or collectors of taxes in the several towns hereinbefore mentioned respectively, except as hereinafter expressly fixed.

§ 3. The board of supervisor of Queens county shall annually deliver to said receivers and collectors of taxes the assessment rolls of their respective towns, with the taxes apportioned thereon, together with a warrant for the collection thereof annexed or subjoined thereto, and shall require all payments specified in such warrant to be made on or before the twentieth day of August then next ensuing.

§ 4. It shall be the duty of each of the said receivers and collectors of taxes respectively, personally to retain in his possession at his office or place for the reception of taxes, and not elsewhere, and deliver to his successor in office all books, papers, maps, warrants and assessment rolls, which shall, from time to time, be delivered to him by the supervisors of Queens county, of the supervisor of the town, or which may otherwise legally come into his possession, and to receive all taxes that may be paid at the said office or place for the reception of taxes in the manner hereinafter provided.

§ 5. Each of such receivers and collectors of taxes shall, within one week after the receiving from the board of supervisors the warrant for the collection of taxes or assessments in his town, give notice in all the newspapers published in such town, and by posting notices in at least six conspicuous places in each election district therein, stating when such taxes or assessments are payable to him at his office or place designated for the reception of taxes, and also the per centage to be added from time to time if not so paid, and specifying the date or time when he will be in attendance at his said office to receive the same, and also when he will proceed to collect the same by distress and sale of the goods and chattels of the persons who may be charged with such taxes or assessments, or from goods and chattels found upon the premises taxed or assessed.

§ 6. It shall be the duty of each of the said receivers and collectors of taxes to be in attendance at his said office or place or places designated for the reception of taxes, to receive such taxes and assessments and give proper receipts therefor, during the first thirty days from the date or time of attendance specified in the above mentioned notice, on every day (Sundays and holidays excepted), from nine o'clock A. M. to four o'clock P. M., and thereafter during every week during the periods hereinafter set forth, on not less than two days, for at least six hours each day, such place, days and times to be stated in the notice aforesaid. And in those towns having receivers of taxes, it shall be the duty of such receiver, during the month of June and July in each year, and in those towns having collectors after the first thirty days from the time of receiving his warrant, to call at least once on each person taxed who shall not have paid the same, or at the place of his usual residence, if in his town, and collect the taxes charged to him on his property. And in case any person shall neglect or refuse to pay the tax imposed on his property, the receiver or collector, as the case may be, shall levy the same by distress and sale of the goods and chattels of the person taxed or assessed for the same, or of any goods and chattels in his possession, wherever the same may be found within the town of which the said receiver or collector is an official, and no claim of property to be made thereto by any other person shall be available to prevent a sale. The collector or receiver shall give public notice of the time and place of sale, and of the

property to be sold, at least six days previous to the sale, by advertisements to be posted up in at least six public places in the town where such sale shall be made, which sale shall be by public auction. And any surplus of the property so sold over the tax and expenses of the receiver or collector making such sale, shall be paid to the person in whose possession the property was, when the distress was made, if not claimed by any other person. If any other person claim said surplus on the ground that the property sold belonged to him, and his claim be admitted by the person for whose tax the same was sold, the surplus shall be paid to such claimant, but if his claim be contested by the person for whose tax the property was sold, then the surplus money shall be paid to the supervisor of the town until the rights of the parties shall be determined by due course of law. The receiver or collector shall serve, within two weeks after the expiration of the first thirty days, a written or printed notice by mail or otherwise, on every person whose residence is known to him, whose taxes or assessments shall then remain unpaid, specifying the amount of the tax and the extra per centage and interest to be added, and he shall be entitled to add twenty-five cents, for every such notice actually sent, to the tax of any person paying such tax to him after the sending of such notice.

§ 7. In those towns in Queens county recited in the first section of this act having receivers of taxes, no percentage shall be added to any tax or assessment paid within the first thirty days from the date or time of attendance specified in the notice to be published and posted as above directed; two per cent shall be added to all taxes and assessments paid during the second and third thirty days, and one per cent shall be added for every thirty days thereafter until such tax be paid, or until the said receiver shall make his return to the county treasurer, and from and after the time when such return shall be made, interest at the rate of seven per cent per annum shall be added to all taxes or assessments and including the per centage to be calculated from the said day of return, then unpaid; and in those towns in said county having collectors of taxes, such collectors shall be entitled to charge and receive one per cent on all taxes collected during the first thirty days, and five per cent for all taxes collected during the next sixty days, and until he makes return to county treasurer, and interest at the rate of twelve per cent per annum, from date of warrant, shall be charged on all amounts remaining unpaid at the expiration of the said sixty days, in addition to the said five per cent, and collectors shall receive the same per centage now allowed them by law for making return of unpaid taxes to the county treasurer; the per centage herein mentioned to apply to every dollar or fractional part thereof.

§ 8. The said receiver or collector of taxes shall immediately, upon the receipt of said taxes or assessments, enter in suitable books to be kept for that purpose, the sums received by him for taxes or assessments respectively, and the number or description of the lot or parcel of land, according to the assessment roll delivered to him, with the names of the persons on whose account the same shall be paid, and the amount of all taxes on personal property, with the names of the persons on whose account the same have been paid, with the amount of the per centage and interest added to any of such sums, and shall, within five days after the expiration of every thirty days from the date when he shall first attend for the receipt of taxes, furnish the county treasurer of Queens county a detailed statement of such sums received, and the amount of



per centage and interest added thereto, and the names on whose account they have been paid, and the amounts paid out by him in accordance with the warrant. The said receivers and collectors shall also pay over at the same time to the county treasurer, all sums of money remaining in their hands as shown by such detailed statement, and not otherwise directed to be paid out by them, under their warrant. The said collectors shall retain for their compensation all sums received for per centage on the money collected by them as provided by this act.

§ 9. It shall be the duty of the said receivers and collectors to collect the tax and assessments on all personal property during the second and third months that said assessment rolls shall be in their hands, and for that purpose they shall levy upon and sell any personal property belonging to the person taxed, in the same manner and pursue every other means to collect said tax and assessments that collectors of taxes are now by law authorized to pursue, and to make returns to the county treasurer in the same manner as herein provided for the return of taxes and assessments upon real estate.

§ 10. In any town of Queens county where an assessment map of the lands of such town is now, or may hereafter be made, in whole or in part, and shall be placed in the office of such receiver or collector of taxes, such maps shall be open to the inspection of all the tax-payers of said town at said office, during such time as such receiver or collector shall be there for the receiving of taxes. And all provisions of law relating to making or filing assessment maps of any town in Queens county, are hereby continued in force.

§ 11. It shall be the duty of each of said receivers and collectors to enter in a suitable book all changes and transfers of real property that may come to his knowledge, and to furnish a copy thereof, on or before the first day of May, in each year, to the assessors of the town of which he is an official.

§ 12. It shall be the duty of each of such receivers and collectors of taxes to render to the county treasurer in each year, between the first and twentieth days of August, a full and final account of all taxes remaining unpaid, with the names of all persons against whom the same have been assessed, and of all property upon which such taxes or assessments remain unpaid, as ascertained by the assessment roll of the town of which he is an officer, with the per centages, interest and amount due thereon, to be computed as provided in this act, which final account shall be verified by the affidavit of the receiver or collector making the same, written thereon or annexed thereto, setting forth that the said account, and all things therein contained, are true and correct, and the several amounts returned therein for unpaid taxes have not, nor has any or either of them, or any part thereof, been paid to or received by said receiver or collector, which final account shall be retained by the said county treasurer, and shall be filed by him in his office, and the unpaid taxes therein returned, with the per centage, interest and expenses, shall be collected as hereinafter provided.

§ 13. The county treasurer shall examine the account of unpaid taxes received from said receivers or collectors, and shall reject all taxes that shall be found to be charged on lands imperfectly described, or which cannot, from any cause whatever, be legally enforced, and shall forthwith deliver a transcript of such rejected taxes to the board of supervisors of Queens county, stating therein the cause of such rejection. In case the county treasurer shall have rejected any tax on account of any imperfect

or inaccurate description of the land intended to have been assessed, the supervisor of the town in which said land is situated and assessed, shall, if in his power, add to the next assessment roll of the said town an accurate description of such land, and if necessary, he may cause the survey of such land at the expense of the town; and the board of supervisors, when such description shall have been perfected, shall charge the lands and persons intended to have been assessed, with the taxes, interest and per centage in arrears, as returned by said receiver or collector, and shall add thereto the interest thereon, at seven per cent per annum, from date of return to county treasurer, and shall direct the receiver or collector of taxes of such town to collect the same; and such taxes in arrears and interest when so re-assessed, shall, for all purposes of this act, be considered as taxes of the year in which the description shall be perfected. If any part of such rejected taxes cannot be so re-assessed, such part shall be assessed by the said board of supervisors on the real and personal property of the said town. And in case there be in the office of the treasurer of Queens county a record of any lots, pieces or parcels of land heretofore sold, which may not have had a proper or sufficient description, at the time of any sale of lands for unpaid taxes, definitely to locate the said lots, pieces or parcels of lands, and which, at such sale, have been struck off to any town in Queens county, or to any person on behalf of such town, the county treasurer shall deliver to the said board of supervisors a statement thereof, and the said board of supervisors shall thereupon proceed to re-assess the taxes on such lots, pieces or parcels of land, either upon the lands assessed, if the description thereof can be perfected, or upon the town, in the manner provided in this section, as hereinbefore provided in the case of lands rejected for imperfect description. The county treasurer shall, when he makes return of such lots, pieces or parcels of land, reject all fees that may have been charged upon such lands, and shall make return of such lands for the amount of tax for which such lands were sold or struck off, with the cost of publication added and interest thereon from the day of sale, at the rate of seven per cent per annum; and thereafter the board of supervisors shall proceed as directed in this section, and cause the receiver or collector of the town in which said lands are located, to collect the amount then due on said lands, and all taxes on said lots, pieces or parcels of lands that shall remain unpaid when he shall make his annual return of unpaid taxes to the county treasurer, shall be included in said return, and shall be considered as the taxes for the year in which said description was perfected.

§ 14. Whenever the county treasurer of Queens county shall receive from the receiver or collector of taxes mentioned in this act the full and final return of unpaid taxes hereinbefore required to be made, and on the payment to him of the money payable to such county treasurer by the said receiver or collector, or of so much thereof as shall have been collected by the said receiver or collector, and on the delivery to the said county treasurer of the certificate of the supervisor of the town of which such receiver or collector is an official, certifying that said receiver or collector has paid to such supervisor the sums as directed in his warrant, and the county treasurer shall be satisfied of the correctness of such return after due examination, he shall cancel and discharge the bond of said receiver or collector, and shall deliver to him a certificate thereof, which certificate shall be filed in the office of the clerk of Queens county, and shall be a full release and discharge of said receiver or collector and his sureties.

§ 15. The county treasurer shall, at any time within twelve months after the delivery to him of the final return of the said receiver or collector, cause a list of all unpaid taxes or assessments in each town, with the per centage and interest added, and the description of the premises as contained in the assessment roll of said town, to be published once a week for eight consecutive weeks, next preceding the day fixed for the sale of said lands, together with a notice that if the said taxes, with the per centage and interest added, and the expense of publication and the county treasurer's charges be not paid to the county treasurer before the appointed day of sale, the lots, plots or parcels of land described in said notice, will be sold at public auction at a place in said town therein to be specified and at the time specified in said notice, for the shortest period of time that any person or persons may offer to take the same, in consideration of advancing the said tax with the per centage, interest and expenses that shall have accrued thereon, at the time of such sale; such publication shall be made in the two weekly newspapers published in such town having, during the year preceding, the largest average circulation, to be determined by the affidavits of the publishers thereof who will publish the same for the sum fixed by this act. In case but one weekly newspaper is published in such town, then in that paper and in the weekly paper of largest circulation published in a town adjoining, and in case no newspaper is published in such town, then in the two weekly papers of largest circulation published in a town, or towns adjoining; the circulation to be determined as aforesaid, but such advertisement shall not, in any case, be awarded to two papers owned or controlled by the same person. And the county treasurer shall cause a printed copy of said list and notice, to be posted in at least six of the most public places in said town, one of said places to be the town hall or the town clerk's office in said town, at least four weeks before the day fixed for the sale of said lands. Each newspaper in which such publication shall be made, shall receive therefor the sum of fifty cents for every lot, plot, or parcel of land separately assessed of any property described or assessed by its map number or any town assessment map, farm or other map, or the description of which occupies but one line in such publication; and for every lot, plot or parcel of land not so described or assessed, and the description of which occupies more than one line, fifty cents for the first line and ten cents for each subsequent line. If the amount mentioned in said notice, and the expense of publication and the county treasurer's charges, shall be paid to the county treasurer within the time limited by the said notice, the county treasurer shall deliver to the person making such payment a receipt therefor, expressing each item separately, and all further proceedings shall be discontinued.

§ 16. The county treasurer, at the time and place of sale mentioned in said notice, shall cause such lands and premises to be sold at public auction, for the payment of such taxes and assessments, or such part thereof as may be remaining unpaid, and the per centage and interest thereon, together with the expenses of advertisement and sale. The sale shall be for the shortest term of years for which any person will take the premises, and pay the amount of tax or assessments, with the per centage, interest and expenses. The right of redemption in all cases of sale within fifteen months from the day of sale shall exist to the owner of the premises sold, or to any other person claiming an interest therein, by the payment of the amount bid at such sale, with interest, at the rate of twelve per cent per annum, calculated from the day of sale to the time

of making such redemption, and the further sum of one dollar for each and every notice served in pursuance of the eighteenth section of this act, and verified by affidavit filed in said county treasurer's office; such payment to be made to the county treasurer for the use of the purchaser or purchasers, or the legal representative or assigns of such purchaser or purchasers; and a certificate of the fact of such payment having been made, in redemption of the said premises, shall be delivered by the county treasurer to the party redeeming. Upon a sale being made, the county treasurer shall give to the purchaser or purchasers a certificate in writing, subscribed by said county treasurer, containing the name of the purchaser or purchasers, a brief description of the premises sold, the term for which the same was sold, the amount of the tax or assessment with the per centage, interest and expenses for which the sale was made, the name of the owner or owners of the premises if the same shall appear on the assessment roll, and the time when the purchaser will be entitled to a lease of the premises in case the same be not redeemed.

§ 17. There shall be kept in the office of the county treasurer, a record of all sales made for taxes or assessments, which record shall show the amount of the tax or assessment for which said premises were sold, a description of the premises sold, the date of the sale, the name and address of the person to whom sold, the term of years for which such property was sold, the time of the delivery of the lease, to whom delivered, and when the same will expire; also, if a certificate is assigned, the name and address of the person to whom it is assigned, which record shall be open for public inspection.

§ 18. In the case of all parcels of land assessed as the property of residents, the purchaser at such tax sale shall cause a notice to be served within six months after the date of the sale on the owner of any such parcel bought at such sale, as his name appears on the assessment roll, either personally or by mail, addressed to such owner at his post-office address within such town, which notice shall state the sale of such parcel, the date of sale, the time of redemption, and the amount for which sold. For which notice the purchaser shall be allowed the sum of one dollar to be paid by the party redeeming. An affidavit of the mode of such service, with a copy of the notice served, shall be filed in the office of the county treasurer within thirty days after such service, and such affidavit shall be presumptive evidence of such service. In case the premises sold shall not be redeemed within the time limited for that purpose, the county treasurer shall execute and deliver to the person or persons legally entitled thereto, a lease of such premises, subscribed by the county treasurer making the sale, or by his successor in office, which lease shall be for the term for which such premises were sold, computing the same from the expiration of fifteen months from the day of sale; which lease shall be presumptive evidence that such tax was legally imposed, and that the proceedings and sale were regular. The person or persons lawfully holding such lease may, by virtue thereof, obtain possession of the premises in the manner prescribed by law relative to persons holding over any real estate sold under execution, and shall and may lawfully hold and enjoy the premises during the time specified in the lease against the owner or owners thereof, and all persons claiming under such owner or owners; provided, in the case of a resident owner, that the notice above provided for in this section has been served as there directed. An affidavit of the mode of such service, with a copy of the notice served, shall be filed in the office of the county treasurer,

within thirty days after such service, and such affidavit shall be presumptive evidence of such service. The person or persons lawfully holding such lease, may, at the expiration of the term and within thirty days thereafter, remove all buildings put on the premises during the term in the exercise of the right of the occupancy under such lease.

§ 19. All sales for taxes under and by virtue of this act, may be conducted by the county treasurer in the town where the lands to be sold are located and assessed without employing a public auctioneer, unless he should elect so to do at his own expense, and said county treasurer shall continue said sale from day to day, until the same shall be completed. On the day fixed for the sale of said lands, should no bid be made for any of the lots or parcels that may be offered for sale, the county treasurer shall strike off such lots or parcels of land to the town in which such lands are located and assessed, for the term of one thousand years. The total fees and charges to be allowed the county treasurer on all lands struck off to any town, when paid by the town, shall be one dollar for each lot, piece or parcel of land so struck off, in addition to the expenses of publication, as hereinbefore provided, and shall be paid by the town where said lands are located and assessed. The supervisor of said town is hereby authorized to assign the certificate of sale of any lots or parcels of lands so sold, to any person who offers to take the said lots or parcels and pay the amount for which said lots or parcels were struck off, and the expense of publication and county treasurer's fees, as defined by this act thereon, with interest thereon at the rate of twelve per cent per annum, and the sum of fifty cents for such assignment, or to sell the said certificates or any leases executed to such town under this act at public auction to the highest bidder, and thereupon to execute the proper assignments to convey the same to the purchaser.

§ 20. Any person entitled and desiring to redeem any part or portion of a piece of land sold by virtue of this act, may do so by particularly describing, by survey or diagram, the portion desired to be redeemed, in a manner satisfactory to the county treasurer of Queens county, whose duty it shall thereupon be to apportion the total amount due on such entire piece of land in an equitable manner between such parcel so to be redeemed, and the portion not redeemed, in proportion to their respective value; and upon such apportionment, said treasurer shall make a record and description of the portion redeemed, as well as the portion not redeemed, for which service said treasurer shall be authorized to charge and receive the sum of five dollars, to be paid by the person seeking to redeem.

§ 21. The county treasurer shall be allowed, in case the proceedings be discontinued before the sale, in accordance with the provisions of this act, the amount actually paid by him for publication in newspapers as aforesaid, and for his own fees upon the same, the sum of one dollar and fifty cents for every lot, plot or parcel so assessed; in case of sale he may charge and receive for each lot or parcel separately assessed and sold, the sum of two dollars and fifty cents, besides the sum paid for publication; in case a lease is given he may charge and receive the further sum of one dollar, to be paid by the person receiving such lease; and for making and certifying a search for unpaid taxes, sales for unpaid taxes and redemption from such sale, the said county treasurer shall be entitled to demand and receive, for the search and certificate, three dollars, which fees, as herein provided, shall be in full for all charges of said county treasurer, for services and expenses required under the provisions of this

act, or of any law relating to the sales of lands for unpaid taxes in either of said towns.

§ 22. Whenever it shall be made to appear to the county treasurer, by affidavit or by the production of the receipted bill, that any tax returned as unpaid was, previously to such return, paid to the receiver or collector of the town where the lands described in such affidavit or bill are located and assessed, the county treasurer shall cancel such tax on the books of his office, and deliver a certificate thereof to the person or persons applying therefor, for which service and certificate the said county treasurer shall be entitled to receive the sum of one dollar, which shall be charged to the town in which such tax was imposed.

§ 23. In case several contiguous lots or pieces of land having distinct numbers on the assessment map of any town, or on any farm map, or other map filed in the county clerk's office of Queens county, shall be owned by the same person or persons, it shall be lawful for the persons owning such contiguous lots to deliver to the town assessors, or any one of them, on or before the first day of June in each year, a notice in writing, stating the map numbers and location of the said contiguous lots, and that the same all belong to the same person or persons, and requesting the said assessors to include all the said contiguous lots in one plot or parcel, and value and assess the same as one plot or parcel of land, and thereupon it shall be the duty of the assessors to value and assess the same as one plot or parcel, in accordance with said notice. Streets appearing on any such map, but which have never been actually opened, shall not be considered as destroying such contiguity.

§ 24. Each of said receivers and collectors of taxes respectively, may appoint some proper person as deputy receiver or collector, who shall hold his office during the pleasure of the said receiver or collector; such appointment shall be in writing, under the hand of the said receiver or collector, and shall be filed in the office of the clerk of the town for which he may be appointed, and shall continue during the official term of said receiver or collector, unless sooner revoked. Such deputy, before entering upon the discharge of his duty, shall take the oath required by the Constitution, which oath shall be filed in the office of the clerk of the town, and shall execute to the receiver or collector making the appointment, such bond as the latter may require, for the faithful performance of his duties. Such deputy shall have the same power as the receiver or collector to collect and receipt for the payment of taxes, but shall, in the exercise of his duties, be subject to the control and direction of the said receiver or collector, and his compensation shall be paid by such receiver or collector, and shall not be chargeable to the town. Any default or malfeasance in office of such deputy shall be deemed to be a breach of the bond given by the receiver or collector who appointed him.

§ 25. This act is intended to amend chapter 497 of the Laws of 1869, entitled "An act to establish a receiver of taxes, and to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the town of Flushing, Queens county," and the acts amending the same, chapter 135 of the Laws of 1873, entitled "An act to establish a receiver of taxes, and to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the town of Jamaica, Queens county," and the acts amending the same; chapter 385 of the Laws of 1871, entitled "An act to establish a receiver of taxes, and to authorize the sale of lands for non-payment of taxes, and for the col-

lection of unpaid taxes in the town of Newtown, Queens county," and the acts amending the same; chapter 389 of the Laws of 1872, entitled "An act to establish a receiver of taxes and to authorize the sale of lands for non-payment of taxes and for the collection of unpaid taxes in the town of Hempstead, in the county of Queens;" chapter 234 of the Laws of 1876, entitled "An act in relation to the collection of taxes in the towns of North Hempstead and Oyster Bay, in the county of Queens;" and all portions or parts of acts above recited, inconsistent with the provisions of this act, are hereby repealed. But this act is not intended to affect any act providing for the collection of taxes, or for the sale of lands for unpaid taxes in Long Island City.

§ 26. The parts of this act affecting the fees, per centage or allowances of the county treasurer of Queens county, or of the collector or receiver of any town therein shall take effect at the end of the terms for which the present incumbent of said offices are elected or appointed respectively. The several portions of this act relating to the duties of receivers and collectors shall take effect on the 1st day of December, 1877, and the remainder of this act shall take effect immediately.

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	Starbuck
Bixby	Harris	Morrissey	Tobey
Bradley	Jacobs	Prince	Vedder
Carpenter	Kennaday	St. John	Wagstaff
Cole	Lamont	Schoonmaker	Wellman
Coleman	Loomis	Selkreg	Woodin
Doolittle			

25

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to amend chapter 610 of the Laws of 1874, entitled 'An act to authorize the sale of lands for the non-payment of taxes, and for the collection of unpaid taxes in the several towns of the county of Westchester,'" with a message that they had concurred in the passage of the same, with the following amendment :

Section 2, line 46, engrossed bill, strike out the word "April," and insert the word "May."

The President put the question whether the Senate would concur in said amendment, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Starbuck
Bixby	Hammond	Prince	Tobey
Bradley	Jacobs	Robertson	Vedder
Carpenter	Kennaday	St. John	Wagstaff
Cole	Loomis	Schoonmaker	Wellman
Coleman	McCarthy	Selkreg	Woodin
Doolittle			

25

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

A message was received from the Governor in the words following :

STATE OF NEW YORK,  
EXECUTIVE CHAMBER — ALBANY, April 25, 1877. }*To the Senate :*

In accordance with a joint resolution of the Senate and Assembly, I return herewith, for amendment, Senate bill not printed, entitled "An act authorizing and confirming a lease made by Benjamin Lewis and other Seneca Indians to George A. Berry, of the right to transmit crude petroleum oil through a pipe over certain lands on the Allegany reservation, and authorizing said George A. Berry to lease such lands for that purpose."

L. ROBINSON.

Mr. Vedder offered the following :

*Resolved*, That the Clerk be directed to return the Senate bill entitled "An act authorizing and confirming a lease made by Benjamin Lewis and other Seneca Indians to George A. Berry, of the right to transmit crude petroleum oil through a pipe over certain lands on the Allegany reservation, and authorizing said George A. Berry to use such lands for that purpose," to the Governor.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The Assembly returned the Assembly bill entitled "An act to amend chapter 767 of the Laws of 1872, entitled 'An act to establish the compensation of county judges and surrogates, pursuant to the fifteenth section of the amended sixth article of the Constitution,'" with a message that they do non-concur in the amendments of the Senate thereto, request a committee of conference thereon, and have appointed as such committee on their part, Messrs. Husted, Burns, Morey, Sanders and Backenstose.

Mr. Robertson moved that the Senate agree to a committee of conference, and that a like committee be appointed on the part of Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee Messrs. Robertson, Prince and Bradley.

*Ordered*, That the Clerk return said bill to the Assembly with a message informing that the Senate have appointed a committee of conference thereon.

By unanimous consent, Mr. Harris asked and obtained leave to introduce a bill entitled "An act to amend chapter 269 of the Laws of 1872, entitled 'An act authorizing the construction of a bridge across the Hudson river at the city of Albany, and incorporating the Albany and Greenbush Bridge Company,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to authorize the city of Rochester to acquire the title to land or other property for the use of water-works," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to authorize the city of Rochester to acquire the title to land or other property for the uses and purposes of water-works, sewers, dumping rubbish and dirt," and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act further to amend the charter of the city of Rochester," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.



lection of unpaid taxes in the town of Newtown, Queens county," and the acts amending the same; chapter 389 of the Laws of 1872, entitled "An act to establish a receiver of taxes and to authorize the sale of lands for non-payment of taxes and for the collection of unpaid taxes in the town of Hempstead, in the county of Queens;" chapter 234 of the Laws of 1876, entitled "An act in relation to the collection of taxes in the towns of North Hempstead and Oyster Bay, in the county of Queens;" and all portions or parts of acts above recited, inconsistent with the provisions of this act, are hereby repealed. But this act is not intended to affect any act providing for the collection of taxes, or for the sale of lands for unpaid taxes in Long Island City.

§ 26. The parts of this act affecting the fees, per centage or allowances of the county treasurer of Queens county, or of the collector or receiver of any town therein shall take effect at the end of the terms for which the present incumbent of said offices are elected or appointed respectively. The several portions of this act relating to the duties of receivers and collectors shall take effect on the 1st day of December, 1877, and the remainder of this act shall take effect immediately.

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	Starbuck
Bixby	Harris	Morrissey	Tobey
Bradley	Jacobs	Prince	Vedder
Carpenter	Kennaday	St. John	Wagstaff
Cole	Lamont	Schoonmaker	Wellman
Coleman	Loomis	Selkreg	Woodin
Doolittle			

25

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to amend chapter 610 of the Laws of 1874, entitled 'An act to authorize the sale of lands for the non-payment of taxes, and for the collection of unpaid taxes in the several towns of the county of Westchester,'" with a message that they had concurred in the passage of the same, with the following amendment:

Section 2, line 46, engrossed bill, strike out the word "April," and insert the word "May."

The President put the question whether the Senate would concur in said amendment, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Starbuck
Bixby	Hammond	Prince	Tobey
Bradley	Jacobs	Robertson	Vedder
Carpenter	Kennaday	St. John	Wagstaff
Cole	Loomis	Schoonmaker	Wellman
Coleman	McCarthy	Selkreg	Woodin
Doolittle			

25

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

A message was received from the Governor in the words following :

STATE OF NEW YORK,  
EXECUTIVE CHAMBER—ALBANY, April 25, 1877. }*To the Senate:*

In accordance with a joint resolution of the Senate and Assembly, I return herewith, for amendment, Senate bill not printed, entitled "An act authorizing and confirming a lease made by Benjamin Lewis and other Seneca Indians to George A. Berry, of the right to transmit crude petroleum oil through a pipe over certain lands on the Allegany reservation, and authorizing said George A. Berry to lease such lands for that purpose."

L. ROBINSON.

Mr. Vedder offered the following:

*Resolved*, That the Clerk be directed to return the Senate bill entitled "An act authorizing and confirming a lease made by Benjamin Lewis and other Seneca Indians to George A. Berry, of the right to transmit crude petroleum oil through a pipe over certain lands on the Allegany reservation, and authorizing said George A. Berry to use such lands for that purpose," to the Governor.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The Assembly returned the Assembly bill entitled "An act to amend chapter 787 of the Laws of 1872, entitled 'An act to establish the compensation of county judges and surrogates, pursuant to the fifteenth section of the amended sixth article of the Constitution,'" with a message that they do non-concur in the amendments of the Senate thereto, request a committee of conference thereon, and have appointed as such committee on their part, Messrs. Husted, Burns, Morey, Sanders and Backenstose.

Mr. Robertson moved that the Senate agree to a committee of conference, and that a like committee be appointed on the part of Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee Messrs. Robertson, Prince and Bradley.

*Ordered*, That the Clerk return said bill to the Assembly with a message informing that the Senate have appointed a committee of conference thereon.

By unanimous consent, Mr. Harris asked and obtained leave to introduce a bill entitled "An act to amend chapter 289 of the Laws of 1872, entitled 'An act authorizing the construction of a bridge across the Hudson river at the city of Albany, and incorporating the Albany and Greenbush Bridge Company,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to authorize the city of Rochester to acquire the title to land or other property for the use of water-works," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to authorize the city of Rochester to acquire the title to land or other property for the uses and purposes of water-works, sewers, dumping rubbish and dirt," and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act further to amend the charter of the city of Rochester," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to provide for perfecting and perpetuating the right and title of the city of New York to property, water, water-rights and privileges heretofore taken or used by said city, to increase the supply of pure and wholesome water for the use of said city, and to provide for the payment and extinguishment of all claims or damages growing out of such taking or using," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Tobey, from the committee on insurance, to which was referred the bill entitled "An act in relation to life and fire insurance companies, associations or partnerships, incorporated by or organized under the laws of any other State of the United States, or foreign governments doing business in the State of New York," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Selkreg, from the committee on railroads, to which was referred the bill entitled "An act relative to the leasing of railroads by railroad companies under the laws of the State," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The Assembly bill entitled "An act relative to summary proceedings to recover the possession of lands for non-payment of rent, and for holding over after expiration of term, in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	Selkreg
Bixby	Hammond	Moore	Starbuck
Bradley	Harris	Morrissey	Tobey
Carpenter	Jacobs	Robertson	Vedder
Cole	Kennaday	St John	Wagstaff
Coleman	Lamont	Schoonmaker	Wellman
Doolittle	Loomis		

26

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Hammond moved to take from the table the motion to reconsider the vote by which the bill entitled "An act authorizing the taxation of stockholders of life, fire and marine insurance companies," was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to reconsider the vote by which said bill was lost, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Bixby	Coleman	Lamont	Schoonmaker
Bradley	Doolittle	Loomis	Selkreg

Carpenter	Gerard	Moore	Vedder	
Cole	Hammond	Morrissey	Wellman	16

## FOR THE NEGATIVE.

Jacobs	McCarthy	Robertson	Starbuck	
Kennaday	Prince	St. John	Wagstaff	8

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Coleman	Lamont	Selkreg	
Bradley	Doolittle	Loomis	Vedder	
Carpenter	Gerard	Moore	Wellman	
Cole	Hammond	Schoonmaker		15

## FOR THE NEGATIVE.

Baaden	Kennaday	Robertson	Starbuck	
Harris	McCarthy	St. John	Wagstaff	
Jacobs				9

Mr. Hammond gave notice that he would, at an early day, move for a suspension of rule 39, in order to reconsider the vote just taken.

The Assembly bill entitled "An act to facilitate the establishment of a botanical garden in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Selkreg	
Bixby	Jacobs	Morrissey	Starbuck	
Bradley	Kennaday	Robertson	Tobey	
Carpenter	Lamont	St. John	Wagstaff	
Coleman	McCarthy	Schoonmaker	Wellman	
Doolittle				21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act in relation to the laying out of a public ground in the fourth ward of the city of Schenectady, and authorizing the common council to borrow money for that purpose," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Selkreg	
Bixby	Gerard	Moore	Starbuck	
Bradley	Harris	Morrissey	Tobey	
Carpenter	Jacobs	Robertson	Wagstaff	

Cole	Lamont	St. John	Wellman	21
Coleman				

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to amend chapter 400 of the Laws of 1872, entitled 'An act to incorporate the Oswegatchie Bridge Company,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Prince	Starbuck
Bradley	Jacobs	Robertson	Vedder
Carpenter	Lamont	St. John	Wagstaff
Cole	Loomis	Schoonmaker	Wellman
Coleman	Moore	Selkreg	Woodin
Doolittle			

21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the postponement of the levy of a tax to pay the bonds issued by the city of Oswego, to facilitate the construction of the New York and Oswego Midland railroad, not yet matured, and to authorize the issue of new bonds in place thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Robertson	Tobey
Bradley	Jacobs	St. John	Vedder
Carpenter	Kennaday	Schoonmaker	Wagstaff
Coleman	Lamont	Selkreg	Wellman
Doolittle	Moore	Starbuck	Woodin

20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to enable the trustees of the Seaman's Fund and Retreat, in the city of New York, to borrow money," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate, voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Starbuck
Bixby	Gerard	Prince	Tobey
Bradley	Hammond	Robertson	Vedder
Carpenter	Jacobs	St. John	Wagstaff

Cole	Lamont	Schoonmaker	Wellman	
Coleman	Loomis			22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the First Presbyterian Church of Kortright, Delaware county, to change its corporate name, and to legalize the acts of the trustees of said church heretofore done under the name of the Trustees of the United Presbyterian Church of Kortright, and to legalize the proceedings had by said church under the name of said United Presbyterian Church," having been announced for a third reading,

On motion of Mr. Lamont, and by unanimous consent, the title of said bill was amended as follows:

Strike out the words "to authorize the First Presbyterian Church of Kortright, of Delaware county to change its corporate name," and insert in lieu thereof "to change the corporate name of the First Presbyterian Church of Kortright, Delaware county."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Doolittle	McCarthy	Selkreg	
Bradley	Gerard	Moore	Starbuck	
Carpenter	Harris	Robertson	Tobey	
Cole	Lamont	St. John	Vedder	
Coleman	Loomis	Schoonmaker	Wellman	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to authorize the trustees of the village of Skaneateles, in the county of Onondaga, to sell certain real estate and to raise money by tax for building an engine-house, and for other village purposes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	Selkreg	
Bixby	Harris	Prince	Starbuck	
Cole	Jacobs	Robertson	Tobey	
Coleman	Lamont	St. John	Vedder	
Doolittle	Loomis	Schoonmaker	Wellman	20

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act to authorize the town of Webster, Monroe county, to issue bonds in payment of, or to take up, bonds heretofore issued in aid of the Lake Ontario Shore Railroad," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Jacobs	Prince	Starbuck
Cole	Kennaday	Robertson	Vedder
Coleman	Lamont	St. John	Wellman
Doolittle	Loomis	Selkreg	Woodin
Gerard	McCarthy		

18

## FOR THE NEGATIVE.

Harris	Schoonmaker		
--------	-------------	--	--

2

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend chapter 776 of the Laws of 1870, entitled 'An act to amend an act entitled An act to provide for the incorporation of villages, passed December 7, 1847, and the several acts amendatory thereof, so far as the same relate to the village of Mount Vernon, in the county of Westchester, and to declare, enlarge and define the powers and duties of the officers of such village,'" reported in favor of the passage of the same.

Mr. Robertson moved that said bill be substituted for Senate bill No. 292, now in the order of third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Starbuck moved that when the Senate adjourns to-day, it adjourn to meet on Monday evening at eight o'clock.

Mr. Jacobs moved to lay the motion upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question upon the motion of Mr. Starbuck, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Starbuck
Bixby	Kennaday	Moore	Vedder
Carpenter	Lamont	Schoonmaker	Wagstaff
Coleman	Loomis	Selkreg	Wellman

16

## FOR THE NEGATIVE.

Bradley	Hammond	Jacobs	St. John
Cole	Harris	Robertson	Woodin
Gerard			

9

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act extending the time when certain acts shall take effect," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Robertson, and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority

of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Starbuck
Bixby	Gerard	Moore	Tobey
Carpenter	Hammond	Robertson	Vedder
Cole	Kennaday	St. John	Wagstaff
Coleman	Lamont	Schoonmaker	Wellman
Doolittle	Loomis	Selkreg	Woodin

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act in relation to certain moneys heretofore appropriated toward the endowment of an academy in the village of Delhi," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend the act entitled An act to revise, amend and consolidate the laws in relation to the village of Norwich, in the county of Chenango, passed March 23, 1857, and the act amendatory thereto, passed April 3, 1867, passed April 26, 1871,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend section 9 of chapter 86 of the Laws of 1855, entitled 'An act to amend an act to provide for the incorporation of villages, passed December 7, 1847, so far as relates to the village of Niagara city, in the county of Niagara,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act authorizing the board of trustees of the village of Green Island, to contract for a supply of water for public purposes," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to provide for lighting the streets in the village of Perry, in the county of Wyoming, State of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend chapter 330 of the Laws of 1850, entitled 'An act re-incorporating the village of Little Falls by the name of Rockton,' and the laws amendatory thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate then resolved itself into a committee of the whole and



proceeded to the consideration of general orders, being the bills entitled as follows:

"An act in relation to arrears of taxes in the city of New York, and to provide for the re-issuing of revenue bonds in anticipation of such taxes."

Assembly, "An act establishing a ferry from Barber's Point, in the town of Westport, in the county of Essex, across Lake Champlain."

Assembly, "An act in relation to countersigning warrants for payments from the treasury of the city of New York."

After some time spent therein the President resumed the chair, and Mr. Bixby, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Bixby, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend chapter 515 of the Laws of 1874, entitled 'An act to amend an act entitled An act to re-organize the local government of the city of New York,' passed April 30, 1873."

"An act to amend chapter 432 of the Laws of 1876, entitled 'An act to provide for a further supply of pure and wholesome water for the Twenty-third and Twenty-fourth wards of the city of New York.'"

"An act to legalize the acts of boards of excise throughout this State."

After some time spent therein, the President resumed the chair, and Mr. Wellman, from said committee, reported in favor of the passage of the first named bill, with amendments, and the title amended so as to read "An act to amend chapter 335 of the Laws of 1873, entitled 'An act to re-organize the local government of the city of New York,' " which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Wellman, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Wellman, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

On motion of Mr. Jacobs, and by unanimous consent, the rules were suspended, and the bill entitled "An act to amend chapter 604 of the Laws of 1875, entitled 'An act to prevent the deposit of carrion, offal or dead animals in the North and East rivers, or in the bay of New York, or Raritan bay, within the jurisdiction of the State of New York,' passed June 18, 1875," was ordered considered in first committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend chapter 604 of the Laws of 1875, entitled 'An act to prevent the deposit of carrion, offal or dead animals in the North and East rivers, or in the bay of New York or Raritan bay, within the jurisdiction of the State of New York,' passed June 18, 1875."

Assembly, "An act to release the interest of the people of the State of New York in and to all moneys arising from the sale in partition of certain real estate premises, situate in the city of Buffalo, and to rents col-

lected therefrom, to August Steinhoff, William Steinhoff and Philip Steinhoff."

Assembly, "An act to enable the town of Newtown, in Queens county, to consolidate a portion of its bonded debt, and equalize the time of payment thereof."

After some time spent therein, the President resumed the chair, and Mr. Kennaday, from said committee, reported in favor of the passage of the first named bill, with amendments, and have amended the title by striking out the words "passed June 18, 1875," which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Kennaday, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Kennaday, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to authorize the county clerk of the county of Chenango to certify defective records and enter certain orders and judgments, omitted to be entered by his predecessors in office."

"An act further to amend chapter 591 of the Laws of 1871, entitled 'An act in relation to the bonded debt of the town of Eastchester, county of Westchester.'"

"An act to amend chapter 305 of the Laws of 1857, entitled 'An act to consolidate school districts Nos. 6 and 15, in the town of Mentz, in the county of Cayuga, into one school district, and to provide for the organization of a school and academy therein, and to enable the said district to loan money to erect the necessary buildings therefor.'"

After some time spent therein, the President resumed the chair, and Mr. Selkreg, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Selkreg, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Selkreg, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows :

"An act to authorize the postponement of a levy of a tax to pay bonds issued by the city of Oswego, to facilitate the construction of the New York and Oswego Midland Railroad, not yet matured, and to authorize the issue of new bonds in place thereof."

"An act to authorize the town of Webster, Monroe county, to issue bonds in payment of, or to take up, bonds heretofore issued in aid of the Lake Ontario Shore Railroad."

"An act to authorize the trustees of the village of Skaneateles, in the county of Onondaga, to sell certain real estate, and to raise money by tax for building an engine-house, and for other village purposes."

"An act to amend chapter 400 of the Laws of 1872, entitled 'An act to incorporate the Oswegatchie Bridge Company.'"

"An act to enable the trustees of the Seaman's Fund and Retreat, in the city of New York, to borrow money."

"An act extending the time when certain acts shall take effect."

On motion of Mr. Hammond, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act to amend chapter 65 of the Laws of 1871, entitled 'An act to revise and consolidate the laws in relation to the village of Geneva, in the county of Ontario, passed March 3, 1871,'" was ordered considered in first committee of the whole.

On motion of Mr. Wagstaff, and by unanimous consent, the rules were suspended, and the bill entitled "An act to provide for payment for uniforms and equipments of the Ninth Regiment, National Guard, State of New York, worn out and lost in the service of the United States during the late war," was ordered considered in first committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend chapter 65 of the Laws of 1871, entitled 'An act to revise and consolidate the laws in relation to the village of Geneva, in the county of Ontario.'"

"An act to provide for payment for uniforms and equipments of the Ninth Regiment, National Guard, State of New York, worn out and lost in the service of the United States during the late war."

"An act to amend chapter 326 of the Laws of 1874, entitled 'An act to provide for improvements in and adjoining the first ward of Long Island City.'"

After some time spent therein, the President resumed the chair, and Mr. McCarthy, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. McCarthy, from the same committee, reported progress on the second named bill, and asked and obtained leave to sit again.

Mr. McCarthy, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Prince moved that said bill, as amended, be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the Assembly bill entitled "An act to secure better administration in the local government of the city of New York," with a message that they non-concur in the amendments of the Senate thereto, and request a committee of conference thereon, and have appointed a committee on their part consisting of Messrs. Fish, Strahan, Corsa, Mitchell and Flecke.

Mr. Woodin moved that a like committee of conference be appointed on the part of the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee Messrs. Woodin, Tobey and Morrissey.

*Ordered*, That the Clerk return said bill to the Assembly, with a message assenting to the appointment of a committee of conference.

The Assembly returned the following entitled Assembly bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to amend chapter 196 of the Laws of 1876, entitled 'An act to establish a local court of civil jurisdiction in the city of Rochester, to be called the municipal court of the city of Rochester, and to amend the charter of said city.'"

"An act to authorize the payment of certain moneys out of the State treasury, to the heirs at law of Maria Brimmayer, deceased."

"An act further to amend section 50 of article 3, title 1 of chapter 16 of the first part of the Revised Statutes, in relation to highways."

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the bills entitled as follows:

"An act to enable The Orphan's Home and Asylum of the Protestant Episcopal Church, in New York, to acquire and hold real and personal estate, each to the amount of \$300,000."

"An act to amend chapter 683 of the Laws of 1871, entitled 'An act amending, revising and consolidating the several acts in relation to the village of Greenbush,' passed March 22, 1854, and April 29, 1863."

"An act to amend chapter 610 of the Laws of 1874, entitled 'An act to authorize the sale of lands for the non-payment of taxes, and for the collection of unpaid taxes in the several towns of the county of Westchester.'"

"An act to amend chapter 512 of the Laws of 1867, entitled 'An act to incorporate the village of Hart's Falls, in the county Rensselaer.'"

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the following entitled Assembly bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act relative to summary proceedings to recover the possession of lands for non-payment of rent, and for holding over after expiration of term, in the city of New York."

"An act to facilitate the establishment of a botanical garden in the city of New York."

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the bill entitled "An act to amend chapter 448 of the Laws of 1876, entitled 'An act relating to courts, officers of justice and civil proceedings,' and to provide for the publication of the act as amended," with a message that they agree to a committee of conference thereon, and had appointed as such committee on their part Messrs. Hogeboom, Gilbert, Alvord, H. H. Rockwell and Ruggles.

Mr. Harris moved to reconsider the vote by which the motion that when the Senate adjourns to-day, it adjourn to meet on Monday evening, was adopted.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Wagstaff moved, as an amendment, that the Senate do now take a recess until six o'clock.

The President put the question whether the Senate would agree to said amendment, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Bixby  
Bradley  
Gerard

Jacobs  
Kennaday  
McCarthy

Moore  
Selkreg  
Vedder

Wagstaff  
Wellman

## FOR THE NEGATIVE.

Cole  
Coleman  
Doolittle

Hammond  
Harris

Robertson  
St. John

Schoonmaker  
Woodin

9

The President then put the question upon the motion as amended, and it was decided in the affirmative.

Whereupon the Senate took a recess until six o'clock.

## SIX O'CLOCK, P. M.

The Senate again met.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to enable the city of Brooklyn to raise further means for the improvement and sale of certain portions of Prospect park, in said city."

"An act authorizing the park commissioners of the city of Buffalo to transfer to said city their jurisdiction and control over certain lands taken for a park and embraced in that part of Delaware street, laid out by said commissioners, and conferring on said city jurisdiction and control over such part of said street."

Assembly, "An act entitled 'An act to authorize a recovery at law for certain printing done for, and stationery furnished to, the boards of aldermen and assistant aldermen in the city of New York.'"

After some time spent therein, the President resumed the chair, and Mr. Cole, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Cole, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Cole, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to amend chapter 329 of the Laws of 1874, entitled 'An act to re-enact and amend an act entitled An act to provide for the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York,' passed May 23, 1873."

Assembly, "An act to authorize the common council of the city of Lockport to raise by tax and disburse money in finishing Washington hose carriage house in said city."

Assembly, "An act to amend 'An act to amend the charter of the city of Brooklyn, and the various amendments thereof, passed June 28, 1873, and to further amend the charter of the city of Brooklyn, as amended by an act passed June 1, 1874, and as further amended by an act for that purpose, entitled An act to amend the charter of the city of Brooklyn,

being the act for that purpose passed June 28, 1873, and the act for that purpose passed June 1, 1874, passed June 21, 1875, and as further amended by an act for that purpose entitled 'An act to amend section 23, title 2 of the amended charter of the city of Brooklyn, passed June 28, 1873,' passed May 15, 1876."

After some time spent therein, the President resumed the chair, and Mr. Bradley, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Bradley, from the same committee, reported in favor of the passage of the second named bill; which report was agreed to, and the same ordered to a third reading.

Mr. Bradley, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Jacobs moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Jacobs moved that said bill be recommitted to the committee on the affairs of cities.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend chapter 129 of the Laws of 1872, entitled 'An act to amend an act passed May 3, 1870, entitled An act to amend act to incorporate the city of Troy, passed April 12, 1816, and the several acts amendatory thereto, and also to amend other acts relating to the city of Troy.'"

"An act to amend chapter 198 of the Laws of 1876, entitled 'An act to amend chapter 140 of the Laws of 1850, entitled An act to authorize the formation of railroad corporations, and to regulate the same.'"

"An act to amend chapter 596 of the Laws of 1874, entitled 'An act to incorporate the Manhattan Mortgage Company.'"

After some time spent therein, the President resumed the chair, and Mr. Hammond, from said committee, reported in favor of the passage of the first and last named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Hammond, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same engrossed for a third reading.

Mr. Harris moved that the Senate do now adjourn until to-morrow morning at eleven o'clock.

Mr. Jacobs moved, as an amendment, that the Senate do now adjourn until Monday afternoon at two o'clock.

The President put the question whether the Senate would agree to said motion of Mr. Jacobs, and it was decided in the negative.

Mr. Jacobs moved to amend by substituting Monday evening at eight o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Kennaday	Morrissey	Wagstaff	
Jacobs	Moore	Vedder	Wellman	8

## FOR THE NEGATIVE.

Bradley	Gerard	McCarthy	Schoonmaker	
Cole	Hammond	Robertson	Selkreg	
Coleman	Harris	St. John	Woodin	12

The President then put the question upon the motion of Mr. Harris, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Kennaday	St. John	
Bradley	Hammond	McCarthy	Schoonmaker	
Cole	Harris	Morrissey	Selkreg	
Coleman	Jacobs	Robertson	Woodin	16

## FOR THE NEGATIVE.

Doolittle	Vedder	Wagstaff	Wellman	
Moore				5

Whereupon the Senate adjourned.

## SATURDAY, APRIL 28, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

On motion of Mr. Woodin, the reading of the journal of yesterday was dispensed with.

Mr. McCarthy, from the committee on literature, to which was referred the Assembly bill entitled "An act to provide for the enlargement of the school-house site of school district No. 9 of the towns of Ellicott, Ellery and Gerry, in the county of Chautauqua," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act to provide for the adjustment and payment of a deficiency in the State tax of 1874, arising out of the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the county of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act authorizing the State Treasurer and other State officers to publish in the State paper, monthly statements of bank balances, and for other purposes," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows :

"An act further to amend chapter 13, section 2, title 2, part 1 of the Revised Statutes, entitled 'Of the assessment and collection of taxes.'"

"An act to amend chapter 596 of the Laws of 1874, entitled "An act to incorporate the Manhattan Mortgage Company."

"An act to amend chapter 604 of the Laws of 1875, entitled 'An act to prevent the deposit of carrion, offal or dead animals in the North and East rivers, or in the Bay of New York or Raritan bay, within the jurisdiction of the State of New York.'"

"An act to amend chapter 129 of the Laws of 1872, entitled 'An act to amend an act passed May 3, 1870, entitled An act to amend an act to incorporate the city of Troy, passed April 12, 1816, and the several acts amendatory thereto, and also to amend other acts relating to the city of Troy.'"

"An act to amend chapter 305 of the Laws of 1857, entitled 'An act to consolidate school districts No. 6 and No. 15, in the town of Mentz, in the county of Cayuga, into one school district, and to provide for the organization of a school and academy therein, and to enable the said district to loan money to erect the necessary buildings therefor.'"

"An act to amend chapter 198 of the Laws of 1876, entitled 'An act to amend chapter 140 of the Laws of 1850, entitled An act to authorize the formation of railroad corporations and to regulate the same.'"

"An act to amend chapter 432 of the Laws of 1876, entitled 'An act to provide for a further supply of pure and wholesome water for the Twenty-third and Twenty-fourth wards of the city of New York.'"

"An act authorizing the park commissioners of the city of Buffalo to transfer to said city their jurisdiction and control over certain lands taken for a park, and embraced in that part of Delaware street laid out by said commissioners, and conferring on said city jurisdiction and control over such part of said street."

"An act to amend chapter 335 of the Laws of 1873, entitled 'An act to re-organize the local government of the city of New York,' and supplementary thereto."

"An act in relation to arrears of taxes in the city of New York, and to provide for the re-issuing of revenue bonds in anticipation of such taxes."

"An act further to amend chapter 591 of the Laws of 1871, entitled 'An act in relation to the bonded debt of the town of Eastchester, county of Westchester.'"

"An act to amend chapter 329 of the Laws of 1874, entitled 'An act to re-enact and amend an act to provide for the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York, passed May 23, 1873.'"

The Assembly sent for concurrence the bills entitled as follows:

"An act to authorize the city of Oswego to borrow money for the purpose of paying off the floating debt of said city," which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Doolittle, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

"An act to amend chapter 426 of the Laws of 1847, entitled 'An act to provide for the incorporation of villages,' passed December 7, 1847, so far as the same relates to the village of Niagara Falls, in the county of Niagara," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Cole, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.



"An act to authorize the city of Elmira to issue bonds for the payment of certain other bonds of said city falling due on or before March 1, 1878," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Bradley, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

"An act to amend an act entitled 'An act to amend an act entitled An act to incorporate the city of Lockport, passed April 11, 1865, passed April 12, 1866,'" which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Cole, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

"An act to amend an act entitled 'An act to incorporate the Round Lake Camp Meeting Association of the Methodist Episcopal Church of the Troy Conference,' passed May 5, 1868," which was read the first time and by unanimous consent was also read the second time.

On motion of Mr. Harris, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

"An act to amend chapter 432 of the Laws of 1876, entitled 'An act to provide for a further supply of pure and wholesome water for the twenty-third and twenty-fourth wards of the city of New York,'" which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Hammond, and by unanimous consent, said bill was substituted for Senate bill of same title, No. 325, now in the order of third reading.

"An act to incorporate Patterson Lodge, No. 273, Independent Order of Odd Fellows of the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act to amend chapter 458 of the Laws of 1875, entitled 'An act to amend chapter 807 of the Laws of 1873, entitled An act concerning notaries public in the counties of Kings, Queens, Richmond, Westchester and Rockland, and in the city and county of New York, and authorizing them to exercise the functions of their office therein,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend section 1 of chapter 177 of the Laws of 1855, entitled 'An act authorizing the construction of a bridge or dam, or both, across the creek or portion of Niagara river, which separates Tonawanda, or White's Island, from the main land,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act in relation to the fire department of the city of Newburgh," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend chapter 24 of the Laws of 1870, entitled 'An act to amend an act entitled An act to amend the charter of the village of Dunkirk,' passed April 20, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to provide for the re-incorporation of St. Joseph's Church in the city of Rome," which was read the first time, and by unanimous

consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act to amend chapter 436 of the Laws of 1872, entitled 'An act relative to the setting of fykes and other nets in Harlem and East rivers,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend an act entitled an act 'To revise the charter of the city of Buffalo,' passed April 28, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act in relation to the maintenance of the chronic insane poor of the county of Clinton," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act in relation to street improvements in the twenty-third and twenty-fourth wards in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend 'An act to revise the charter of the city of Buffalo,' passed April 20, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act authorizing the Adjutant-General, the Inspector-General and the Commissary-General to audit the claim of the Ninth Regiment, National Guard of the State of New York, for uniforms and equipments worn out in the United States service during the late war," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to amend chapter 896 of the Laws of 1869, entitled 'An act to incorporate the Crescent Company,' passed May 17, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act to amend titles 6 and 9 of an act entitled 'An act to revise the charter of the city of Buffalo,' passed April 28, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend chapter 374 of the Laws of 1866, entitled 'An act to amend chapter 356 of the Laws of 1837, entitled An act for the appointment of a harbor master for the port of Albany,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to authorize the mayor and common council of the city of Buffalo to make an appropriation to reimburse claimants for advances made to construct building for Taylor Hose Company No. 1, of Buffalo," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to authorize the town of Deerpark, in the county of Orange, to elect an additional justice of the peace," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to provide for deficiencies in appropriations for the poor of the county of Kings, for raising and disbursing the moneys of said county, and to regulate the powers and duties of officials in incurring obligations against said county," which was read the first time, and by

unanimous consent was also read the second time and referred to the committee on internal affairs.

"An act to provide for payment for the use and occupation of the rooms occupied by the several courts provided for by chapter 329 of the Laws of 1874, entitled 'An act to re-enact and amend an act entitled An act to provide for the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York,' passed May 23, 1873," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend an act entitled 'An act for the better protection of seamen in the port and harbor of New York,' passed March 21, 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to amend chapter 342 of the Laws of 1850, entitled 'An act to authorize the president, directors and company of the New Baltimore and Rensselaerville turnpike road, to sell and convey their present turnpike road,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend chapter 291 of the Laws of 1870, entitled 'An act for the incorporation of villages,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend chapter 714 of the Laws of 1869, entitled 'An act to incorporate the city of Watertown,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to provide for the labor assessed by commissioners of highways of the towns of Camden and Annsville, Oneida county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend chapter 272 of the Laws of 1864, entitled 'An act to incorporate the trustees of the Masonic Hall and Asylum Fund,' passed April 21, 1864," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act for the better protection of persons and property, and the more effectual prevention of crime at sea-bathing places, and upon vessels plying between such places and the cities within this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend chapter 77 of the Laws of 1870, entitled 'An act to amend the act to combine into one act the several acts relating to the city of Albany,' passed April 12, 1842, and the several acts amendatory thereof, in so far as they relate to the city of Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act to authorize the appointment and provide for the compensation of a stenographer of the special terms of the Supreme Court held in the county of Westchester."

"An act to amend chapter 90 of the Laws of 1865, entitled 'An act to amend and consolidate the several acts relating to the village of Ilion.'"

"An act supplemental to chapter 461 of the Laws of 1872, entitled 'An act to incorporate the St. Agnes Cemetery of Syracuse.'"

"An act to amend chapter 605 of the Laws of 1875, entitled 'An act in relation to the county treasurers of the counties of Monroe and Seneca.'"

"An act to amend chapter 117 of the Laws of 1843, entitled 'An act to incorporate the American Baptist Home Mission Society.'"

"An act to enable the trustees of the Seaman's Fund and Retreat, in the city of New York, to borrow money."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the following entitled Assembly bill, with a message that they had concurred in the amendments of the Senate thereto:

"An act to amend chapter 143 of the Laws of 1861, entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester, passed April 8, 1861, and the various acts amendatory thereof or relating to the city of Rochester.'"

*Ordered*, That the Clerk return said bill to the Assembly.

On motion of Mr. St. John, and by unanimous consent, the committee of the whole was discharged from the further consideration of the Assembly bill entitled "An act to provide for the removal of eel weirs and other devices for taking fish from the Delaware river, or any of the tributaries thereof, and to prevent the maintenance of such devices," and the same was ordered to a third reading.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act in relation to certain matters and proceedings in surrogate's courts, in cases of disqualification."

Assembly, "An act to amend chapter 237 of the Laws of 1869, entitled 'An act to amend an act entitled An act to authorize the formation of railroad corporations, and to regulate the same, passed April 2, 1860,' passed April 17, 1869."

"An act to amend chapter 830 of the Laws of 1873, entitled 'An act to legalize the adoption of minor children by adult persons.'"

After some time spent therein, the President resumed the chair, and Mr. Gerard, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Gerard, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

By unanimous consent, Mr. Coleman asked and obtained leave to introduce a bill entitled "An act to amend chapter 651 of the Laws of 1870, entitled 'An act to provide for the election of a receiver of taxes and assessments for the town and village of Lansingburgh, in the county of Rensselaer,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend section 74 of title 6, chapter 6, part 2 of the Revised Statutes, relative to the application for moneys paid into the State treasury by administrators."

"An act to release to Frederick W. Bell, of the city and county of Albany and State of New York, the title and interest of the people of the State of New York, in the real estate of which Walter A. Bell, late of the city of Albany, died seized."

Assembly, "An act to release the interest of the people of the State of New York in certain lands of which Michael Schmitts died seized, to Katharine Schmitts."

After some time spent therein, the President resumed the chair, and Mr. St. John, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. St. John, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered to a third reading.

On motion of Mr. Hammond, and by unanimous consent, the rules were suspended, and the bill entitled "An act authorizing the formation of town insurance companies," was ordered considered in first committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act further to amend chapter 366 of the Laws of 1859, entitled 'An act to establish an insurance department.'"

Assembly, "An act to authorize the trustees of the Baptist church and society of Hoosick, New York, to remove the dead from their burying ground to the cemetery, and to authorize them to sell their burying ground."

"An act authorizing the formation of town insurance companies."

After some time spent therein, the President resumed the chair, and Mr. Doolittle, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Doolittle, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Doolittle, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to release the interest of the people of the State of New York in certain real estate to Robert McKay and Agnes Sparks, situate in Batavia, Genesee county."

Assembly, "An act further to amend chapter 77 of the Laws of 1870, entitled 'An act to amend the act to combine into one act the several acts relating to the city of Albany, passed April 12, 1842, and the several acts amendatory thereof, so far as they relate to the city of Albany.'"

"An act to amend chapter 611 of the Laws of 1869, entitled 'An act to incorporate the village of West Mount Vernon, county of Westchester.'"

After some time spent therein, the President resumed the chair, and Mr. Bradley, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Bradley, from the same committee, reported progress on the second named bill, and asked leave to sit again.

Mr. Harris moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bradley, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Robertson moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act in relation to certain moneys heretofore appropriated towards the endowment of an academy in the village of Delhi."

Assembly, "An act to release the interest of the people of the State of New York in certain real estate to Mary Jetton."

"An act to amend an act entitled 'An act to incorporate the city of Binghamton,' and the several acts amending the same."

After some time spent therein the President resumed the chair, and Mr. Hammond, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Hammond, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Selkreg moved that the committee of the whole be discharged from the further consideration of said bill and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act extending the time for the trustees of the First Presbyterian Church of Waterford to file their claim for damages with the Canal Appraisers."

Assembly, "An act authorizing the board of trustees of the village of Green Island to contract for a supply of water for public purposes."

Assembly, "An act to amend section 9 of chapter 86 of the Laws of 1855, entitled 'An act to amend an act to provide for the incorporation of villages, passed December 7, 1847, so far as relates to the village of Niagara City, in the county of Niagara.'"

After some time spent therein, the President resumed the chair, and Mr. Coleman, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Coleman, from the same committee, reported in favor of the pas-

sage of the second and last named bills, which report was agreed to, and the same ordered to a third reading.

By unanimous consent, Mr. Hammond asked and obtained leave to introduce a bill entitled "An act authorizing the taxation of the shares in life, fire and marine insurance companies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

Mr. Hammond moved that said bill be printed pending its consideration by the committee on insurance.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Selkreg moved that the Senate do now adjourn until Monday next at two o'clock, P. M.

Mr. Doolittle moved to amend by inserting the words "eight o'clock, P. M."

The President put the question whether the Senate would agree to said motion of Mr. Doolittle, and it was decided in the affirmative.

The President then put the question upon the motion of Mr. Selkreg, as amended, and it was decided in the affirmative.

Whereupon the Senate adjourned.

## MONDAY, APRIL 30, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of Friday, April 28, was read and approved.

Mr. Sayre presented a remonstrance of citizens of Utica against the proposed amendment to the excise law; which was read and committed to the committee of the whole.

Mr. Robertson presented a remonstrance of the Central Baptist Church of Brooklyn, upon the same subject; which was read and committed to the committee of the whole.

Mr. Loomis presented a petition of citizens of Otsego county, in favor of providing for teachers' classes in academies; which was read and referred to the committee on literature.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act in relation to treasurers' fees and per centages in Monroe county," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act authorizing the county treasurer of Monroe county, to retain certain moneys for the benefit of said county," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend chapter 348 of the Laws of 1860, entitled 'An act to secure to creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors, and the several acts amendatory thereof,'" reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act in relation to the assignments of the estates of debtors for

the benefit of creditors," and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to release the interest of the people of the State of New York in certain real estate, to Robert McKay and Agnes Sparks, situate in Batavia, Genesee county."

"An act to amend chapter 830 of the Laws of 1873, entitled 'An act to legalize the adoption of minor children by adult persons.'"

"An act to release to Frederick W. Bell, of the city and county of Albany and State of New York, the title and interest of the people of the State of New York, in the real estate of which Walter A. Bell, late of the city of Albany, died seized."

"An act to amend section 74 of title 6, chapter 6, part 2 of the Revised Statutes, relative to the application for moneys paid into the State treasury by administrators."

"An act authorizing the formation of town insurance companies."

"An act to amend an act entitled 'An act to incorporate the city of Binghamton,' and the several acts amending the same."

"An act further to amend chapter 366 of the Laws of 1859, entitled 'An act to establish an insurance department.'"

Mr. Selkreg introduced a bill entitled "An act empowering the railroad commissioners of the town of Ithaca, Tompkins county, to issue bonds at a lower rate of interest, and to take up and retire bonds issued by said town in aid of the construction of the Ithaca and Athens Railroad, which may be called in and canceled at the option of said town," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Robertson introduced a bill entitled "An act to authorize the sale of lands for the non-payment of taxes, and for the collection of unpaid taxes in the several towns of the county of Putnam," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act in respect to the printed minutes of the proceedings of the common council of the city of Buffalo."

Assembly, "An act to legalize and confirm the proceedings of the board of trustees of the village of Andes, in the county of Delaware, in relation to the purchase of hydrants for the use of said village, and the creation of a debt for that purpose, and to provide for the payment thereof."

Assembly, "An act regulating the practice in the surrogate's court of the county of New York, respecting testimony taken in contested matters, and as to the issue of letters of guardianship to testamentary guardians."

After some time spent therein, the President resumed the chair, and Mr. Harris, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Harris, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered to a third reading.



The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act for the relief of school districts wishing to contract with boards of education of cities, to educate their children in city schools."

"An act in relation to the improvement of the Croton aqueduct in the city of New York."

"An act to regulate the weights and balances used in compounding and dispensing drugs and medicines in the city of New York."

After some time spent therein the President resumed the chair, and Mr. Emerson, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Emerson, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Jacobs moved that the bill entitled "An act to legalize the acts of boards of excise throughout this State," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, two-thirds of all the members elected to the Senate not voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Jacobs	Morrissey	Starbuck	10
Bradley	Kennaday	Sprague	Wagstaff	
Gerard	McCarthy			

#### FOR THE NEGATIVE.

Carpenter	Hammond	Robertson	Selkreg	14
Cole	Harris	Sayre	Tobey	
Doolittle	Loomis	Schoonmaker	Woodin	
Emerson	Moore			

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to authorize and empower the New York Protestant Episcopal public school to mortgage such parts of its real estate, in the Nineteenth ward of the city of New York, as it was authorized to sell in fee simple by chapter 714 of the Laws of 1873."

"An act in relation to fire insurance policies."

"An act to legalize the acts of boards of excise throughout this State."

After some time spent therein, the President resumed the chair, and Mr. Tobey, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Tobey, from the same committee, reported progress on the second named bill, and asked and obtained leave to sit again.

Mr. Tobey, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An

act relating to fares for carrying passengers on street railroads in the city of Buffalo," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Sprague, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Selkreg
Bradley	Hammond	Moore	Sprague
Carpenter	Harris	Robertson	Starbuck
Cole	Kennaday	Sayre	Wagstaff
Doolittle	Loomis	Schoonmaker	Woodin
Emerson			

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Hammond moved that the committee of the whole be discharged from the further consideration of the bill entitled "An act to further amend chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,'" and that the same be recommitted to the committee on internal affairs, retaining its place in general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The committee of conference, to which was referred the matters of difference between the Senate and Assembly on the bill entitled "An act to amend chapter 448 of the Laws of 1876, entitled 'An act relating to courts, officers of justice and civil proceedings and to provide for the publication of the act as amended,'" report, that they met and have duly considered such matters of difference, and have agreed to recommend that the Senate do concur in all the amendments to the bill as proposed by the Assembly, except the two following ones, viz.:

1st. The amendment in these words and figures: Subdivision 11, after the word "New York," in line 5, insert the word "Erie," from which they recommend that the Assembly do recede.

2d. The amendment in these words and figures: Section 1496, by striking out the words "seventy-seven" and inserting in lieu thereof the words "seventy-eight," in respect to which your committee have been unable to agree upon any recommendation whatever.

All of which is respectfully submitted,

W. H. ROBERTSON,  
HAMILTON HARRIS,  
A. SCHOONMAKER, JR.,  
*Senate Committee.*

JNO. T. HOGEBOOM,  
JOHN J. GILBERT,  
H. H. ROCKWELL,  
T. G. ALVORD,  
W. B. RUGGLES,  
*Assembly Committee.*

IN ASSEMBLY, April 30, 1877.

*Resolved*, That the Assembly do not recede from the amendments to said Code as far as relates to subdivision 11, in line 5, after the words

"New York" insert the word "Erie," and that the House do insist to the time for the Code to go into effect May 1, 1878.

By order,

EDWARD M. JOHNSON, *Clerk.*

Mr. Robertson moved that the Senate agree to that portion of the report which recommends a concurrence in the amendments made by the Assembly, and that a new committee of conference be appointed upon that portion of the report in the words following:

1st. The amendment in these words and figures: Subdivision 11, after the words "New York," in line 5, insert the word "Erie."

2d. The amendment in these words and figures: Section 1496, by striking out the word "seventy-seven" and inserting in lieu thereof the word "seventy-eight."

Mr. Harris moved, as an amendment, that the Senate agree to the amendment made by the Assembly, in the words following:

Section 1496, by striking out the word "seventy-seven" and inserting in lieu thereof the word "seventy-eight."

The President put the question whether the Senate would agree to so much of said report as recommends a concurrence in the amendments proposed by the Assembly, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bradley	Harris	Moore	Sprague
Carpenter	Jacobs	Robertson	Starbuck
Doolittle	Kennaday	Sayre	Tobey
Gerard	Loomis	Schoonmaker	Wagstaff
Hammond	McCarthy	Selkreg	Woodin

20

FOR THE NEGATIVE.

Cole

1

The President then put the question upon the amendment of Mr. Harris, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Cole	Jacobs	McCarthy	Selkreg
Gerard	Loomis	Sayre	Tobey
Harris			

9

FOR THE NEGATIVE.

Bradley	Hammond	Robertson	Starbuck
Carpenter	Kennaday	Schoonmaker	Wagstaff
Doolittle	Moore	Sprague	Woodin

12

The President then put the question upon the motion of Mr. Robertson, for the appointment of a new committee, and it was decided in the affirmative.

The President announced as such committee, Messrs. Sprague, Carpenter and Gerard.

Mr. Robertson moved that the committee, as appointed, be set aside, and that the Senate proceed to appoint such committee.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Kennaday asked and obtained leave to introduce a bill entitled "An act to amend chapter 448 of the Laws of 1876, entitled 'An act relating to courts, officers of justice and civil pro-

ceedings,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

On motion of Mr. Jacobs, the Senate adjourned.

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## TUESDAY, MAY 1, 1877.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Bartlett.

The journal of yesterday was read and approved.

Mr. Gerard presented a preamble and resolution of the common council of the city of New York, in relation to the license law; which was read and laid upon the table.

Mr. Prince presented two petitions from citizens of Oyster Bay, and of the First Baptist Church of Flushing, against any change in the excise law; which was read and laid upon the table.

Mr. Sprague presented a remonstrance of the Buffalo Bar Association, against the new Code taking effect October 12, 1877; which was read and laid upon the table.

Mr. Sayre, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend chapter 222 of the Laws of 1865, entitled 'An act to amend chapter 573 of the Laws of 1853, entitled An act for the more effectual prevention of wanton and malicious mischief, and to prevent the defacement of natural scenery,' " reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Sayre, from the committee on roads and bridges, to which was referred the bill entitled "An act relating to highways in the town of Eastchester, Westchester county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to authorize and empower the New York Protestant Episcopal public school to mortgage such parts of its real estate, in the Nineteenth ward of the city of New York, as it was authorized to sell in fee simple by chapter 714 of the Laws of 1873."

"An act in relation to the improvement of the Croton aqueduct in the city of New York."

"An act in respect to the printed minutes of the proceedings of the common council of the city of Buffalo."

"An act to regulate the weights and balances used in compounding and dispensing drugs and medicines in the city of New York."

"An act to legalize certain licenses and the acts of boards of excise granting the same."

Mr. Bixby introduced a bill entitled "An act to regulate the charge for the transmission of messages by telegraph companies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

The bill entitled "An act extending the time for Maria Matilda Thompson to file her claim for damages with the Canal Appraisers," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Kennaday	Selkreg	
Cole	Gerard	Lamont	Sprague	
Doolittle	Jacobs	Loomis		11

## FOR THE NEGATIVE.

Bradley	McCarthy	Robertson	Starbuck	
Carpenter	Moore	Sayre	Vedder	
Hammond	Morrissey	Schoonmaker	Woodin	
Harris	Prince			14

Mr. Sprague moved to reconsider the vote by which said bill was lost and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act further to amend chapter 13, section 2, title 2, part 1 of the Revised Statutes, entitled 'Of the assessment and collection of taxes,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Lamont	Schoonmaker	
Bradley	Hammond	Loomis	Selkreg	
Carpenter	Harris	McCarthy	Sprague	
Cole	Jacobs	Morrissey	Starbuck	
Doolittle	Kennaday	Robertson	Wagstaff	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 335 of the Laws of 1873, entitled 'An act to re-organize the local government of the city of New York,' and supplemental thereto," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Schoonmaker	
Bradley	Harris	Moore	Selkreg	
Carpenter	Jacobs	Morrissey	Sprague	
Cole	Kennaday	Robertson	Starbuck	
Doolittle	Lamont	Sayre	Woodin	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 604 of the Laws of 1875, entitled 'An act to prevent the deposit of carrion, offal or dead animals in the North and East rivers, or in the Bay of New York or Raritan bay

within the jurisdiction of the State of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Sprague
Bradley	Harris	Moore	Starbuck
Carpenter	Jacobs	Robertson	Vedder
Doolittle	Kennaday	Sayre	Wagstaff
Emerson	Lamont	Selkreg	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 305 of the Laws of 1857, entitled 'An act to consolidate school districts Nos. 6 and 15 in the town of Mentz, in the county of Cayuga, into one school disttict, and to provide for the organization of a school and academy therein, and to enable the said district to loan money to erect the necessary buildings therefor,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Hammond	McCarthy	Selkreg
Carpenter	Harris	Moore	Sprague
Doolittle	Jacobs	Morrissey	Starbuck
Emerson	Kennaday	Robertson	Vedder
Gerard	Loomis	Sayre	Wagstaff

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to arrears of taxes in the city of New York, and to provide for the re-issuing of revenue bonds in anticipation of such taxes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Harris	Moore	Selkreg
Bradley	Jacobs	Morrissey	Sprague
Carpenter	Kennaday	Robertson	Starbuck
Doolittle	Lamont	Sayre	Tobey
Emerson	Loomis	Schoonmaker	Wagstaff
Gerard	McCarthy		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act further to amend chapter 591 of the Laws of 1871, entitled 'An act in relation to the bonded debt of the town of Eastchester, county of Westchester,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Harris	Moore	Selkreg
Carpenter	Jacobs	Morrissey	Sprague
Cole	Kennaday	Robertson	Starbuck
Doolittle	Loomis	Sayre	Tobey
Emerson	McCarthy	Schoonmaker	Wagstaff
Gerard			

21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act authorizing the park commissioners of the city of Buffalo to transfer to said city their jurisdiction and control over certain lands taken for a park and embraced in that part of Delaware street, laid out by said commissioners, and conferring on said city jurisdiction and control over such part of said street," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Schoonmaker
Bradley	Gerard	Moore	Selkreg
Carpenter	Jacobs	Morrissey	Sprague
Cole	Kennaday	Prince	Tobey
Doolittle	Loomis	Robertson	Wagstaff

20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 329 of the Laws of 1874, entitled 'An act to re-enact and amend an act to provide for the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York, passed May 23, 1873,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Harris	McCarthy	Schoonmaker
Bradley	Jacobs	Moore	Selkreg
Carpenter	Kennaday	Morrissey	Starbuck
Doolittle	Lamont	Robertson	Tobey
Emerson	Loomis	Sayre	Wagstaff
Gerard			

21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 129 of the Laws of 1872, entitled 'An act to amend an act passed May 3, 1870, entitled An act to

amend an act to incorporate the city of Troy, passed April 12, 1816, and the several acts amendatory thereto, and also to amend other acts relating to the city of Troy," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Jacobs	Moore	Selkreg
Carpenter	Kennaday	Morrissey	Sprague
Doolittle	Lamont	Robertson	Starbuck
Emerson	Loomis	Sayre	Tobey
Gerard	McCarthy	Schoonmaker	Wagstaff
Harris			

21

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act to amend chapter 198 of the Laws of 1876, entitled 'An act to amend chapter 140 of the Laws of 1850, entitled An act to authorize the formation of railroad corporations, and to regulate the same,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

## FOR THE NEGATIVE.

Bradley	Gerard	Loomis	Selkreg
Carpenter	Hammond	McCarthy	Starbuck
Cole	Kennaday	Morrissey	Tobey
Doolittle	Lamont	Robertson	Wagstaff
Emerson			

17

## FOR THE NEGATIVE.

Sayre                      Sprague

2

Mr. Prince moved that the vote by which said bill was passed be reconsidered.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Prince	Starbuck
Bradley	Jacobs	Robertson	Tobey
Cole	Kennaday	Sayre	Wagstaff
Doolittle	Moore	Schoonmaker	Woodin
Emerson			

17

On motion of Mr. Prince, and by unanimous consent, said bill was amended as follows:

Section 1, line 20, insert after the words "three weeks," the words "or once a week for six weeks."

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the



affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Loomis	Schoonmaker
Bradley	Harris	McCarthy	Selkreg
Cole	Jacobs	Moore	Starbuck
Doolittle	Kennaday	Prince	Tobey
Emerson	Lamont	Robertson	Woodin
Gerard			

21

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act to amend chapter 596 of the Laws of 1874, entitled 'An act to incorporate the Manhattan Mortgage Company,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Loomis	Robertson
Cole	Jacobs	McCarthy	Selkreg
Doolittle	Kennaday	Moore	Tobey
Emerson	Lamont	Prince	Wagstaff
Gerard			

17

## FOR THE NEGATIVE.

Harris	Schoonmaker	Starbuck
--------	-------------	----------

3

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 830 of the Laws of 1873, entitled 'An act to legalize the adoption of minor children by adult persons,'" having been announced for a third reading,

Mr. Gerard moved that said bill be recommitted to the committee on the judiciary, with instructions to strike out the first section.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Loomis	Sayre	Tobey
Bradley	Morrissey	Schoonmaker	Vedder
Doolittle	Prince	Selkreg	Wagstaff
Emerson	Robertson	Sprague	Woodin
Lamont			

17

## FOR THE NEGATIVE.

Carpenter	Gerard	Kennaday	Moore
Cole	Hammond	McCarthy	Starbuck

8

Mr. Gerard moved that the vote by which said bill was passed be reconsidered.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Cole	Gerard	Kennaday	Moore	
Emerson	Hammond			6

## FOR THE NEGATIVE.

Bixby	Loomis	Sayre	Tobey	
Bradley	McCarthy	Schoonmaker	Vedder	
Carpenter	Morrissey	Selkreg	Wagstaff	
Doolittle	Prince	Sprague	Woodin	
Lamont	Robertson	Starbuck		19

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend section 74 of title 6, chapter 6, part 2 of the Revised Statutes relative to the application for moneys paid into the State treasury by administrators," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Harris	Morrissey	Selkreg	
Bradley	Jacobs	Prince	Sprague	
Carpenter	Kennaday	Robertson	Tobey	
Cole	McCarthy	Sayre	Vedder	
Doolittle	Moore	Schoonmaker	Wagstaff	
Emerson				21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly sent for concurrence the bills entitled as follows :

"An act in relation to 'The American Board of Commissioners for Foreign Missions,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act to incorporate the Battle of White Plains Monument Association, to provide for the laying out of a plot of ground in the village of White Plains, county of Westchester, and State of New York, and for the erection of a monument thereon, commemorating the battle of White Plains, fought October 28, 1776," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to extend the time for the collection of taxes in the county of Richmond," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Prince, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Selkreg
Bradley	Hammond	Morrissey	Starbuck

Carpenter	Harris	Prince	Tobey
Cole	Jacobs	Robertson	Vedder
Doolittle	Kennaday	Sayre	Wagstaff
Emerson	Loomis	Schoonmaker	Woodin

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to regulate the weights and balances used in compounding and dispensing drugs and medicines in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Harris	Robertson	Starbuck
Bradley	Kennaday	Sayre	Tobey
Doolittle	Loomis	Schoonmaker	Vedder
Emerson	Moore	Selkreg	Wagstaff
Gerard	Morrissey	Sprague	Woodin
Hammond			

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to release to Frederick W. Bell of the city and county of Albany, the title and interest of the people of the State of New York, in the real estate of which Walter A. Bell, late of the city of Albany, died seized," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Morrissey	Sprague
Bradley	Harris	Prince	Starbuck
Carpenter	Kennaday	Robertson	Tobey
Cole	Lamont	Sayre	Vedder
Doolittle	Loomis	Schoonmaker	Wagstaff
Emerson	McCarthy	Selkreg	Woodin
Gerard	Moore		

26

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act authorizing the formation of town insurance companies," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Loomis	Selkreg
Cole	Harris	Morrissey	Sprague
Doolittle	Kennaday	Prince	Wagstaff
Emerson	Lamont	Robertson	Woodin
Gerard			

17

## FOR THE NEGATIVE.

Bradley	Sayre	Starbuck	Vedder
Moore	Schoonmaker		

6

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to release the interest of the people of the State of New York in certain real estate to Robert McKay and Agnes Sparks, situate in Batavia, Genesee county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Morrissey	Sprague
Bradley	Harris	Prince	Starbuck
Carpenter	Jacobs	Robertson	Tobey
Cole	Kennaday	Sayre	Vedder
Doolittle	Loomis	Schoonmaker	Wagstaff
Emerson	McCarthy	Selkreg	Woodin
Gerard	Moore		

26

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to incorporate the city of Binghamton,' and the several acts amending the same," was read a third time.

The President put the question whether the Senate would concur in said amendment, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Selkreg
Bradley	Hammond	Morrissey	Sprague
Carpenter	Harris	Prince	Starbuck
Cole	Kennaday	Robertson	Tobey
Doolittle	Lamont	Sayre	Vedder
Emerson	McCarthy	Schoonmaker	Wagstaff

24

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in respect to the printed minutes of the proceedings of the common council of the city of Buffalo," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Loomis	Selkreg
Bradley	Hammond	Moore	Sprague
Cole	Jacobs	Prince	Starbuck
Doolittle	Kennaday	Sayre	Wagstaff
Emerson	Lamont		

18

## FOR THE NEGATIVE.

Harris	Schoonmaker
--------	-------------

2

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize and empower the New York Protestant Episcopal public school to mortgage such parts of its real estate, in the Nineteenth ward of the city of New York, as it was authorized to sell in fee simple by chapter 714 of the Laws of 1873," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bixby	Gerard	Sayre	Starbuck
Bradley	Kennaday	Schoonmaker	Tobey
Cole	Lamont	Selkreg	Vedder
Doolittle	Loomis	Sprague	Wellman
Emerson	Robertson		

18

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act in relation to the improvement of the Croton aqueduct in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Hammond	Moore	Selkreg
Bradley	Harris	Prince	Starbuck
Cole	Jacobs	Robertson	Tobey
Doolittle	Kennaday	Sayre	Vedder
Emerson	Lamont	Schoonmaker	Wagstaff
Gerard	Loomis		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to legalize the acts of boards of excise throughout this State," having been announced for a third reading,

On motion of Mr. Kennaday, and by unanimous consent, said bill was amended as follows :

Add as section 2 the following :

"§ 2. Any person to whom a license has been issued which, by its terms, would expire after the said first day of May, 1877, shall be entitled to a re-payment, by the city or town in which such license was issued, of an amount proportionate to the unexpired portion of the time mentioned in said license."

Amend the title so as to read "An act to legalize certain licenses and the acts of boards of excise granting the same."

On motion of Mr. Schoonmaker, and by unanimous consent said bill was amended as follows :

Add to said section 2 the following :

"Said claims for repayment to be audited and allowed in the same manner as other claims against such city or town."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Harris	Morrissey	Schoonmaker
Carpenter	Kennaday	Prince	Sprague
Emerson	Loomis	Robertson	Starbuck
Gerard	McCarthy	Sayre	Wagstaff
Hammond			

17

## FOR THE NEGATIVE.

Cole	Moore	Tobey	Woodin
Doolittle	Selkreg	Vedder	

7

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act establishing a ferry from Barber's Point, in the town of Westport, in the county of Essex, across Lake Champlain," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate, voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Harris	Robertson	Starbuck
Bradley	Jacobs	Sayre	Tobey
Carpenter	Moore	Schoonmaker	Vedder
Cole	Morrissey	Selkreg	Wagstaff
Doolittle	Prince	Sprague	Woodin
Gerard			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act in relation to countersigning warrants for payments from the treasury of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	Moore	Schoonmaker
Bradley	Gerard	Prince	Starbuck
Carpenter	Hammond	Robertson	Tobey
Cole	Kennaday	Sayre	Wagstaff

16

Mr. Gerard moved to reconsider the vote by which said bill was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Woodin, and by unanimous consent, said bill was amended as follows:

At the end of first section: "And the mayor may, in writing, revoke such designation, which revocation shall be filed in the office of the Comptroller."

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Selkreg
Bradley	Hammond	Morrissey	Starbuck
Carpenter	Kennaday	Prince	Tobey
Cole	Lamont	Robertson	Vedder
Doolittle	Loomis	Sayre	Wagstaff
Emerson	McCarthy	Schoonmaker	Woodin

24

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend chapter 432 of the Laws of 1876, entitled 'An act to provide for a further supply of pure and wholesome water for the twenty-third and twenty-fourth wards of the city of New York,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Lamont	Sayre
Bradley	Hammond	McCarthy	Schoonmaker
Carpenter	Harris	Moore	Selkreg
Doolittle	Jacobs	Prince	Wagstaff
Emerson	Kennaday	Robertson	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to release the interest of the people of the State of New York in and to all moneys arising from the sale in partition of certain real estate premises, situate in the city of Buffalo, and to rents collected therefrom, to August Steinhoff, William Steinhoff and Philip Steinhoff," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Starbuck
Bradley	Hammond	Prince	Tobey
Carpenter	Harris	Robertson	Vedder
Cole	Kennaday	Sayre	Wagstaff
Doolittle	Lamont	Schoonmaker	Woodin
Emerson	McCarthy	Selkreg	

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to enable the town of Newtown, in Queens county, to consolidate a portion of its bonded debt, and equalize the time of payment thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Starbuck
Bradley	Hammond	Prince	Tobey
Carpenter	Harris	Robertson	Vedder
Cole	Kennaday	Sayre	Wagstaff
Doolittle	Lamont	Schoonmaker	Woodin
Emerson	McCarthy	Selkreg	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act to authorize the county clerk of the county of Chenango, to certify defective records and enter certain orders and judgments, omitted to be entered by his predecessors in office," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Jacobs	Robertson	Starbuck
Bradley	Kennaday	Sayre	Tobey
Carpenter	Lamont	Schoonmaker	Vedder
Doolittle	Loomis	Selkreg	Wagstaff
Emerson	McCarthy	Sprague	Woodin
Gerard	Moore		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 65 of the Laws of 1871, entitled 'An act to revise and consolidate the laws in relation to the village of Geneva, in the county of Ontario,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Moore	Sprague
Bradley	Harris	Prince	Starbuck
Carpenter	Kennaday	Robertson	Tobey
Doolittle	Lamont	Sayre	Vedder
Emerson	Loomis	Schoonmaker	Wagstaff
Gerard	McCarthy	Selkreg	Woodin

24



*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to authorize the common council of the city of Lockport, to raise by tax and disburse money in finishing Washington hose carriage-house in said city," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Morrissey	Sprague
Bradley	Harris	Prince	Starbuck
Carpenter	Kennaday	Robertson	Tobey
Doolittle	Lamont	Sayre	Wagstaff
Emerson	Loomis	Schoonmaker	Woodin
Gerard	McCarthy		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act to incorporate the city of Lockport, passed April 11, 1865,' passed April 12, 1866," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Harris	Prince	Starbuck
Carpenter	Kennaday	Robertson	Tobey
Cole	Lamont	Sayre	Vedder
Doolittle	Loomis	Schoonmaker	Wagstaff
Emerson	McCarthy	Selkreg	Woodin
Gerard	Moore	Sprague	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the city of Oswego to borrow money for the purpose of paying off the floating debt of said city," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Selkreg
Bradley	Harris	Prince	Sprague
Carpenter	Kennaday	Robertson	Starbuck
Doolittle	Lamont	Sayre	Tobey
Emerson	Loomis	Schoonmaker	Wagstaff

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the city of Elmira to issue bonds for the payment of certain other bonds of said city falling due on or before March 1, 1878," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE NEGATIVE.

Bixby	Harris	Prince	Sprague
Bradley	Kennaday	Robertson	Starbuck
Carpenter	Lamont	Sayre	Tobey
Doolittle	Loomis	Schoonmaker	Vedder
Emerson	Moore	Selkreg	Wagstaff
Gerard			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Round Lake Camp Meeting Association of the Methodist Episcopal Church of the Troy Conference, passed May 5, 1868,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Selkreg
Bradley	Harris	Moore	Starbuck
Carpenter	Kennaday	Robertson	Tobey
Doolittle	Lamont	Sayre	Vedder
Emerson	Loomis	Schoonmaker	Wagstaff

20

## FOR THE NEGATIVE.

Prince

1

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to the fire department of the city of Newburgh," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Sprague
Bradley	Harris	Robertson	Starbuck
Carpenter	Kennaday	Sayre	Tobey
Cole	Lamont	Schoonmaker	Vedder
Doolittle	Loomis	Selkreg	Wagstaff

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 426 of the Laws of 1847, entitled 'An act to provide for the incorporation of villages, passed December 7, 1847, so far as the same relates to the village of Niagara Falls, in the county of Niagara,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bixby	Doolittle	Jacobs	McCarthy
Bradley	Emerson	Kennaday	Moore
Carpenter	Gerard	Loomis	Starbuck
Cole	Harris		

14

FOR THE NEGATIVE.

Prince	Sayre	Selkreg	Vedder
Robertson	Schoonmaker	Tobey	

7

Mr. Cole moved to reconsider the vote by which said bill was lost, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to provide for the removal of eel weirs and other devices for taking fish from the Delaware river or any of the tributaries thereof, and to prevent the maintenance of such devices," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Harris	Moore	Starbuck
Bradley	Kennaday	Robertson	Tobey
Cole	Lamont	Sayre	Vedder
Doolittle	Loomis	Schoonmaker	Wagstaff
Gerard	McCarthy	Selkreg	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Cole moved to take from the table the motion to reconsider the vote by which the Assembly bill entitled "An act to amend chapter 426 of the Laws of 1847, entitled 'An act to provide for the incorporation of villages passed December 7, 1847, so far as the same relates to the village of Niagara Falls, in the county of Niagara,'" was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to reconsider the vote by which said bill was lost, and it was decided in the affirmative.

On motion of Mr. Cole, and by unanimous consent, said bill was amended as follows :

Section 1, line 4, after the word "villages," insert the words "so far as the same relates to the village of Niagara Falls, in the county of Niagara."

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Morrissey	Starbuck
Bradley	Harris	Prince	Tobey
Carpenter	Kennaday	Robertson	Vedder
Cole	Loomis	Sayre	Wagstaff
Doolittle	McCarthy	Schoonmaker	Woodin
Emerson	Moore	Selkreg	23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act in relation to certain matters and proceedings in surrogate's courts, in cases of disqualification," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Moore	Selkreg
Bradley	Kennaday	Morrissey	Starbuck
Carpenter	Lamont	Robertson	Tobey
Cole	Loomis	Sayre	Vedder
Doolittle	McCarthy	Schoonmaker	Wagstaff
			20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend chapter 237 of the Laws of 1869, entitled 'An act to amend an act entitled An act to authorize the formation of railroad corporations, and to regulate the same, passed April 2, 1850,' passed April 17, 1869," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Harris	McCarthy	Selkreg
Bradley	Jacobs	Moore	Tobey
Carpenter	Kennaday	Morrissey	Vedder
Doolittle	Lamont	Robertson	Wagstaff
Gerard	Loomis	Schoonmaker	19

## FOR THE NEGATIVE.

Cole	Emerson	Prince	Sayre
			4

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to release the interest of the people of the State of New York in certain lands of which Michael Schmitts died seized, to Katharine Schmitts," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Jacobs	Prince	Starbuck
Bradley	Kennaday	Robertson	Tobey
Carpenter	Loomis	Sayre	Vedder
Doolittle	McCarthy	Schoonmaker	Wagstaff
Emerson	Moore	Selkreg	Woodin
Harris	Morrissey	Sprague	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to authorize the trustees of the Baptist Church and society of Hoosick, New York, to remove the dead from their burying ground to the cemetery, and to authorize them to sell their burying ground," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Harris	Moore	Selkreg
Bradley	Jacobs	Morrissey	Tobey
Carpenter	Kennaday	Robertson	Vedder
Cole	Lamont	Sayre	Wagstaff
Doolittle	Loomis	Schoonmaker	Woodin
Emerson			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly returned the bill entitled "An act to regulate the re-insurance of the policy obligations of life insurance companies," with a message that they had concurred in the passage of the same, with the following amendment :

Strike out all after the word "companies," in line 6, section 2, down to and including the word "days," in line 9.

The President put the question whether the Senate would concur in said amendment, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Jacobs	Morrissey	Selkreg
Bradley	Kennaday	Prince	Tobey
Carpenter	Lamont	Robertson	Vedder
Emerson	Loemis	Schoonmaker	Wagstaff
Harris	McCarthy		

18

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly bill entitled "An act further to amend chapter 77 of the Laws of 1870, entitled 'An act to amend the act to combine into one act the several acts relating to the city of Albany, passed April 12, 1842, and the several acts amendatory thereof, so far as they relate to the city of Albany,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Hammond	McCarthy	Schoonmaker
Bradley	Harris	Morrissey	Selkreg
Carpenter	Jacobs	Prince	Vedder
Cole	Kennaday	Robertson	Wagstaff
Doolittle	Lamont	Sayre	Woodin
Emerson	Loomis		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act in relation to certain moneys heretofore appropriated towards the endowment of an academy in the village of Delhi," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Schoonmaker
Bradley	Harris	Moore	Selkreg
Carpenter	Kennaday	Prince	Starbuck
Cole	Lamont	Robertson	Vedder
Doolittle	Loomis	Sayre	Wagstaff

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to release the interest of the people of the State of New York in certain real estate to Mary Jetton," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Hammond	McCarthy	Selkreg
Bradley	Harris	Moore	Starbuck
Carpenter	Jacobs	Prince	Vedder
Cole	Kennaday	Robertson	Wagstaff
Doolittle	Lamont	Sayre	Woodin
Emerson	Loomis	Schoonmaker	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act authorizing the board of trustees of the village of Green Island to contract for a supply of water for public purposes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Loomis	Schoonmaker
Bradley	Harris	McCarthy	Selkreg
Carpenter	Jacobs	Prince	Tobey
Cole	Kennaday	Robertson	Vedder
Emerson	Lamont	Sayre	Wagstaff
Gerard			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend section 9 of chapter 86 of the Laws of 1855, entitled 'An act to amend an act to provide for the incorporation of villages,' passed December 7, 1847, so far as relates to the village of Niagara City, in the county of Niagara," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Lamont	Sayre
Bradley	Gerard	Loomis	Schoonmaker
Carpenter	Harris	McCarthy	Selkreg
Cole	Jacobs	Moore	Tobey
Doolittle	Kennaday	Robertson	Wagstaff

20

## FOR THE NEGATIVE.

Prince

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to legalize and confirm the proceedings of the board of trustees of the village of Andes, in the county of Delaware, in relation to the purchase of hydrants for the use of said village, and the creation of a debt for that purpose, and to provide for the payment thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Selkreg
Bradley	Harris	Moore	Tobey

Carpenter	Jacobs	Prince	Vodder
Cole	Kennaday	Robertson	Wagstaff
Doolittle	Loomis	Schoonmaker	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act regulating the practice in the surrogate's court of the county of New York, respecting testimony taken in contested matters, and as to the issue of letters of guardianship to testamentary guardians," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Schoonmaker
Bradley	Harris	Moore	Selkreg
Cole	Kennaday	Prince	Starbuck
Doolittle	Lamont	Robertson	Vedder
Emerson	Loomis	Sayre	Wagstaff

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act for the relief of school districts wishing to contract with boards of education of cities, to educate their children in city schools," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Loomis	Sayre
Carpenter	Harris	McCarthy	Selkreg
Cole	Jacobs	Moore	Starbuck
Doolittle	Kennaday	Prince	Wagstaff
Gerard	Lamont	Robertson	

19

## FOR THE NEGATIVE.

Schoonmaker	Vedder
-------------	--------

2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly returned the bill entitled "An act to amend chapter 564 of the Laws of 1872, entitled 'An act to amend the charter of the village of Carthage, Jefferson county,'" with a message that they had concurred in the passage of the same, with the following amendments :

Section 1, line 16, engrossed bill, after the word "Wilna," insert the following : "but shall be limited in its exercise to the corporate limits of the said village of Carthage."



Same section, line 27, strike out "qual," and insert "dis," so that the word shall read disqualified.

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Selkreg
Bradley	Harris	Prince	Starbuck
Carpenter	Jacobs	Robertson	Tobey
Cole	Kennaday	Sayre	Vedder
Doolittle	Lamont	Schoonmaker	Wagstaff
Emerson	Loomis		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly returned the bill entitled "An act to amend chapter 277 of the Laws of 1870, entitled 'An act to amend an act entitled An act to amend an act entitled An act for the benefit of married women in insuring the lives of their husbands, passed April 14, 1858,'" with a message that they had concurred in the passage of the same, with the following amendments :

Insert as section 2 the following :

§ 2. Any policy of life insurance taken in the name or for the benefit of any married woman may be assigned or pledged as security for the payment of any money which may be loaned or advanced thereon subsequent, as a consideration for such assignment or pledging, and used solely and exclusively for the purpose of paying the premiums on such policy. Such assignment or pledging shall be made in the form and manner provided by the company issuing the policy for the similar transfer of ordinary policies. Any assignment of such a policy for any other purpose than that above specified shall be void, and the money loaned thereon shall not be recovered in any action or proceeding at law. Such assignment shall, however, only be in the nature of a pledge and proceeds of any policy so assigned or pledged, after paying the amount of such loan and interest thereon, shall belong and be paid to the person who may have assigned or pledged the same. Change section 2 to section 3.

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bixby	Gerard	Loomis	Sayre
Carpenter	Harris	McCarthy	Selkreg
Cole	Jacobs	Prince	Vedder
Doolittle	Kennaday	Robertson	Wagstaff
Emerson	Lamont		

18

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to amend chapter 818 of the Laws of 1868, entitled 'An act to incorporate the village of Port Chester,'" with a message that they had concurred in the passage of the same, with the following amendments :

Strike out all of section 2. Change section 3 to section 2.

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Moore	Starbuck
Bradley	Harris	Prince	Tobey
Cole	Jacobs	Robertson	Vedder
Doolittle	Kennaday	Sayre	Wagstaff
Emerson	Lamont	Schoonmaker	Woodin
Gerard	Loomis	Selkreg	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

Mr. Prince offered the following :

*Whereas*, It is alleged that large quantities of garbage, mud and other deleterious materials are being thrown into the waters of the East river, west of Throgg's Neck, and within the jurisdiction of the pilot commissioners of New York, to the injury of the channel in said river, the destruction of many beds of oysters, and the great discomfort of the inhabitants of Queens and Westchester counties ; therefore,

*Resolved*, That the pilot commissioners of New York be requested to report to the Senate, as soon as practicable, as to the facts above stated, giving any information in their possession as to the parties thus violating the law, and stating whether, in their opinion, any additional legislation is necessary to prevent such abuses.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Robertson offered the following :

*Resolved*, That Senators Prince, Carpenter and Loomis be and they are hereby appointed a committee of conference on the part of the Senate upon the matters in difference between the two Houses, upon the bill entitled "An act to amend chapter 448 of the Laws of 1876, entitled 'An act relating to courts, officers of justice and civil proceedings,' to provide for the publication of the act as amended.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Doolittle offered the following :

*Resolved* (if the Assembly concur), That this Legislature adjourn *sine die* on Thursday the 17th instant, at 12 o'clock noon.

*Ordered*, That said resolution be laid upon the table.

Mr. Bixby, from the committee on commerce and navigation, to which was recommended the bill entitled "An act to amend chapter 69 of the Laws of 1847, entitled 'An act concerning the pilots of the channel of the East river, commonly called Hell Gate,'" reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act in relation to the pilots of the channel of the East river, commonly called Hell Gate," and said bill was committed to the committee of the whole.

Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to authorize the president and directors of the Charlotte turnpike company to abandon their road, and for other purposes," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to discontinue the Charlotte turnpike company, and to authorize the Charlotte

turnpike company to maintain a toll-bridge across the Susquehanna river," and said bill was committed to the committee of the whole.

Mr. Prince offered the following:

*Resolved* (if the Assembly concur), That there be printed and bound in paper covers, 2,000 copies of an extract from the tenth annual report of the State Board of Charities, relating to the causes of pauperism, for the use of the board.

*Ordered*, That said resolution be laid upon the table.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled 'An act to authorize St. Joseph's Church, in the city of Yonkers, to acquire land and use the same for burial purposes,' reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act authorizing the trustees of the village of Palmyra to drain low lands in said village," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act authorizing the trustees of the village of Palmyra to construct sewers in said village," and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend chapter 24 of the Laws of 1870, entitled 'An act to amend an act entitled An act to amend the charter of the village of Dunkirk, passed April 20, 1867,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend chapter 291 of the Laws of 1870, entitled 'An act for the incorporation of villages,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Tobey the Senate took a recess until half-past seven o'clock, P. M.

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### HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the sale of lands for the non-payment of taxes, and for the collection of unpaid taxes in the several towns of the county of Putnam," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the bill entitled as follows:

"An act to enforce the payment of unpaid taxes, and to authorize the sale of lands for non-payment of the same, in the county of Rockland," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

The Assembly returned the following entitled Assembly bill, with a message that they had concurred in the amendments of the Senate thereto:

"An act further to amend chapter 338 of the Laws of 1875, entitled 'An act to amend an act entitled An act for the relief of the surviving

members of the First Regiment of New York Volunteers, who served in the war with Mexico.”

*Ordered,* That the Clerk return said bill to the Assembly.

The Assembly returned the bill entitled as follows :

“An act in relation to the collection of taxes and the sales of land therefor in certain towns in Queens county.”

*Ordered,* That the Clerk deliver said bill to the Governor.

The Assembly returned the concurrent resolution requesting the Governor to apply to the President of the United States for the appointment of three officers of the United States service, to examine and decide upon the exterior pier and bulk-head lines upon the Hudson river, from Troy to the city of Hudson, with a message that they had concurred in the passage of the same.

*Ordered,* That the Clerk deliver said resolution to the Governor.

The Assembly sent for concurrence the bills entitled as follows :

“An act to authorize railroad corporations to pay commutation money for highway labor to the commissioners of highways of towns,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

“An act to prohibit the interment of the dead in the burial ground belonging to the society of the First Methodist Episcopal Church of the town of Carlton, Orleans county, located at Ruckville, in said town, and to authorize the removal of the dead from said ground,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

“An act to amend chapter 760 of the Laws of 1872, entitled ‘An act to provide for the improvement of a certain highway in the town of Newtown, Queens county, and the city of Brooklyn, Kings county, and for the payment of property taken for such improvement,’ passed May 17, 1872,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

“An act to amend chapter 912 of the Laws of 1869, entitled ‘An act to incorporate the city of Cohoes,’ passed May 19, 1869, and the acts amending the same, passed March 4, 1872,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

“An act to amend chapter 446 of the Laws of 1874, entitled ‘An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylums for their treatment and safe keeping, and the duties of the State Commissioner in Lunacy,’ passed May 12, 1874,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

“An act in relation to the St. Joseph’s Institution for the Improved Instruction of Deaf Mutes, at Fordham, in the county of Westchester,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

“An act to amend an act entitled ‘An act to change the time of payment of certain railroad bonds of the town of Plattsburgh, executed in aid of the New York and Canada Railroad Company, and to issue other bonds in place thereof,’ passed May 13, 1876,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act to amend chapter 30 of the Laws of 1876, entitled 'An act to amend chapter 520 of the Laws of 1870, entitled An act to establish and maintain a police force in the city of Troy,' and to increase the powers and duties of the police commissioners of said city."

"An act to increase the number of firemen in the village of Canandaigua."

"An act in relation to the names of insurance companies."

"An act to provide for the incorporation of exchanges or boards of trade."

"An act to amend chapter 654 of the Laws of 1869, entitled 'An act authorizing the construction of a railroad through certain streets in the city of Poughkeepsie, and through certain streets and roads in the town of Poughkeepsie, in the county of Dutchess.'"

"An act to authorize the election of women to school offices."

"An act further to amend chapter 569 of the Laws of 1870, entitled 'An act to authorize the sale of lands belonging to and occupied by the Seaman's Retreat on Staten Island.'"

"An act to incorporate the New York State Bar Association."

"An act to authorize the city of Utica to borrow money for the purpose of erecting a police station-house and lock-up therein, and to make necessary repairs to the city hall building."

The Senate then resolved itself into a committee of the whole and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to repeal chapter 250 of the Laws of 1853, entitled 'An act relating to incorporated banks, banking associations and individual bankers located in the city of New York.'"

"An act extending the time for the organization of the New York Loan and Security Company."

Assembly, "An act to provide for the revision of the laws relative to the administration of justice in the district courts of the city of New York."

After some time spent therein the President resumed the chair, and Mr. Vedder, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Vedder, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Cole, from the committee on canals, to which was referred the concurrent resolutions relative to the reduction of canal tolls, reported that a majority of said committee report in favor of the passage of the same, with amendments, and said resolutions were committed to the committee of the whole.

Mr. Cole moved that the consideration of said resolutions be made a special order for Thursday next, immediately after reading the journal.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Cole, from the committee on canals, to which was referred the communication from the Auditor of the Canal Department, transmitting proceedings of the Canal Board of April 26, 1877, relative to the aboli-

tion of tolls on certain articles and commodities, reported that the committee have had the same under consideration, and recommend the adoption of the following concurrent resolution :

*Resolved* (if the Assembly concur), That the Legislature do concur with the Canal Board in the abolition of tolls, or in the imposition of a nominal rate of tolls upon the following named articles and commodities, viz. : Furs and peltries, pork, beef, bacon, lard, tallow and lard oil, wool, corn-meal, dried fruits, cotton, unmanufactured tobacco, hemp, clover and grass seed, hops, domestic spirits, leather, bar and pig lead, coffee, live cattle, hogs, sheep, domestic woollens and domestic cottons, and said resolution was committed to the committee of the whole.

Mr. Cole moved that said resolution be made a special order for next Thursday, May 3, immediately after reading the journal.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Wagstaff moved that the committee on finance be discharged from the further consideration of the Assembly bill entitled "An act authorizing the Adjutant-General, the Inspector-General and the Commissary-General to audit the claim of the Ninth Regiment, National Guard of the State of New York, for uniforms and equipments worn out in the United States during the late war," and that the same be substituted for Senate bill entitled "An act to provide for payment for uniforms and equipments of the Ninth Regiment, National Guard, State of New York, worn out and lost in the service of the United States during the late war," now on the calendar of general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Gerard asked and obtained leave to introduce a bill entitled "An act to provide chambers for the judges of the criminal courts of record in the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

On motion of Mr. Jacobs, the concurrent resolutions in the words following :

*Resolved* (if the Assembly concur), That section 6 of article 6 of the Constitution, be amended so that it shall read as follows :

"§ 6. There shall be the existing Supreme Court, with general jurisdiction in law and equity, subject to such appellate jurisdiction of the Court of Appeals as now is, or may be, prescribed by law ; and it shall be composed of the justices now in office, with one additional justice, to be elected as hereinafter provided, who shall be continued during their respective terms, and of their successors. The existing judicial districts of the State, are continued until changed pursuant to this section. Five of the justices shall reside in the district in which is the city of New York, and five in the second judicial district, and four in each of the other districts. The Legislature may alter the districts, without increasing the number, once after every enumeration, under this Constitution, of the inhabitants of the State.

*Resolved* (if the Assembly concur), That said amendment be referred to the Legislature, to be chosen at the next general election for Senators, and that pursuant to section 1 of article 13 of the Constitution, it be published for three months previous to the time of such election," was read a third time.

The President put the question whether the Senate would agree to said resolutions, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bixby	Gerard	Loomis	Selkreg
Bradley	Hammond	McCarthy	Starbuck
Cole	Harris	Prince	Vedder
Doolittle	Jacobs	Robertson	Wagstaff
Emerson	Kennaday	Schoonmaker	19

*Ordered*, That the Clerk deliver said resolutions to the Assembly and request their concurrence therein.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to confirm the proceedings taken by the common council of the city of Buffalo, to clean the sewer in Wadsworth street, between Hudson and Pennsylvania streets, in said city."

"An act authorizing the Buffalo City Cemetery to convey to the city of Buffalo certain lands for a street."

"An act providing for the incorporation of the Tompkins County New York Patrons' Mutual Fire Relief Association."

After some time spent therein, the President resumed the chair, and Mr. Prince, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Prince, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Prince, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act additional to chapter 370 of the Laws of 1872, entitled 'An act to amend an act relating to the rates of wharfage on canal boats, and to regulate piers, wharves, bulk-heads and slips in the cities of New York and Brooklyn,' passed May 6, 1870."

"An act to provide for the taxation of insurance companies."

"An act in relation to the Compost Transportation Company."

After some time spent therein, the President resumed the chair, and Mr. Kennaday, from said committee, reported progress on the first and second named bills, and asked and obtained leave to sit again.

Mr. Jacobs moved that said second named bill be recommitted to the committee on finance, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Kennaday, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to confer certain powers and privileges upon the New York Academy of Medicine."

Assembly, "An act to authorize the Arctic Fire Insurance Company of New York to amend its charter, and to extend its powers and privileges thereunder."

"An act to authorize the recovery at law for the use and occupation of premises by the counsel to the corporation of the city of New York, for the use of the law department thereof."

After some time spent therein, the President resumed the chair, and Mr. Emerson, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Emerson, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Emerson, from the same committee, reported that the committee had stricken out the enacting clause of said last named bill.

Mr. Wagstaff moved that the report of the committee be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act in relation to proceedings in surrogates' courts."

Assembly, "An act to enable the city of Brooklyn to acquire certain lands lying in Atlantic avenue, decided to be the property of the heirs of John Cowenhoven."

Assembly, "An act to establish the boundary line between the towns of Jay and Wilmington, in the county of Essex, and to confirm the past jurisdiction of said towns respectively, in relation to said line."

After some time spent therein, the President resumed the chair, and Mr. Gerard, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered to a third reading.

On motion of Mr. Robertson the Senate adjourned.

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### WEDNESDAY, MAY 2, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Prince presented five remonstrances of the Temperance Brotherhood of North Shore, Staten Island, members of the Methodist Episcopal Church of East Norwich, Reformed Church of Brookville, Methodist Episcopal Church of Oyster Bay, and members of Presbyterian Church of Oyster Bay, against any amendment of the excise law; which was read and laid upon the table.

Mr. Wagstaff presented the annual report of the National Electio



Medical Society, for the years 1875 and 1876; which was laid upon the table and ordered printed.

(See Doc. No. 55.)

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to provide for the labor assessed by commissioners of highways of the towns of Camden and Annsville, Oneida county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to amend chapter 497 of the Laws of 1870, entitled 'An act to establish a police force in the county of Richmond,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Prince moved that said bill, as amended, be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act in relation to the appointment of town constables in the county of Ontario," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act in relation to the maintenance of the chronic insane poor of the county of Clinton," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act requiring the superintendents of the poor of the county of Genesee to convey to the boards of supervisors of said county the lands and appurtenances known as the poor-house farm, situate in the town of Bethany, in said county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act consolidating the several excise laws and making a uniform law for the suppression of intemperance, and regulating the sale of intoxicating liquors," reported adversely thereto, which report was agreed to, and said bill rejected.

The Assembly sent for concurrence the bills entitled as follows:

"An act to protect persons purchasing sewing machines," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend the charter of the village of Edgewater," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to discontinue the Addison and Elkland Plank-road Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to release the interest of the people of the State of New York in certain real estate in the town of Fallsburgh, Sullivan county, New York, to Zebulon Hotchkin, of said county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Assembly returned the bill entitled "An act relative to lands devised by Jesse Brown, deceased," with a message that they had concurred in the passage of the same, with the following amendment:

Section 5, line 2, strike out the word "exceed," and insert the word "execute."

The President put the question whether the Senate would concur in said amendment, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bixby	Hammond	Morrissey	Selkreg
Carpenter	Harris	Prince	Starbuck
Cole	Kennaday	Robertson	Vedder
Coleman	Loomis	Sayre	Wagner
Doolittle	McCarthy	Schoonmaker	Woodin
Gerard			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to authorize the commissioners of the town of Diana, in the county of Lewis, appointed under chapter 115 of the Laws of 1868, to issue bonds for the purpose of raising funds with which to pay the bonds of said town," with a message that they had concurred in the passage of the same, with the following amendments:

Strike out all after the word "bonds," in line 12, engrossed bill, down to and including the word "they," in line 19. Insert after the word "expedient," in line 23, engrossed bill, the words "and payable twenty-five hundred dollars on the tenth day of March, eighteen hundred and ninety-four, and twenty-five hundred dollars on the tenth day of March, in each successive year, until the whole amount of said bonds are paid in full.

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Prince	Starbuck
Bradley	Hammond	Robertson	Vedder
Carpenter	Harris	Sayre	Wagner
Cole	Jacobs	Schoonmaker	Wagstaff
Coleman	Kennaday	Selkreg	Wellman
Doolittle	McCarthy	Sprague	Woodin
Emerson			

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act supplementary to chapter 349 of the Laws of 1855, entitled 'An act incorporating the Oswego fire department of the city of Oswego,' passed April 12, 1855, and the acts amending the same."

"An act to amend chapter 18 of the Laws of 1862, entitled 'An act to revise the charter of the city of Utica; also to authorize the common council of said city to raise money to provide for judgments against said city.'"

"An act to dissolve the College of Missionaries."

"An act to define and punish embezzlement by executors, administrators, guardians and trustees."

"An act regulating the amount of capital stock for fire and marine insurance companies."

"An act to authorize the commissioners of highways of the town of Corning, in the county of Steuben, to maintain and keep in repair certain bridges and the approaches thereto, and to cause the insurance thereof against loss or damage by fire."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the bill entitled as follows:

"An act to regulate the re-insurance of the policy obligations of life insurance companies."

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly returned the following entitled Assembly bill, with a message that they had concurred in the amendments of the Senate thereto:

"An act to change the name of the First Presbyterian Church of Kortright, Delaware county, and to legalize the acts of the trustees of said church, heretofore done under the name of the trustees of the United Presbyterian Church of Kortright, and to legalize all the proceedings had by said church, under the name of said United Presbyterian Church."

*Ordered*, That the Clerk return said bill to the Assembly.

The Assembly returned the bills entitled as follows:

"An act to amend chapter 818 of the Laws of 1868, entitled 'An act to incorporate the village of Port Chester.'"

"An act to amend chapter 564 of the Laws of 1872, entitled 'An act to amend the charter of the village of Carthage, Jefferson county.'"

*Ordered*, That the Clerk deliver said bills to the Governor.

Mr. Cole, from the committee on canals, to which was referred the Assembly bill entitled "An act making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canals for the fiscal year commencing on the first day of October, 1877," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Cole, from the committee on canals, to which was referred the Assembly bill entitled "An act re-appropriating moneys for the reconstruction of the Oneida Lake Canal," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Cole, from the committee on canals, to which was referred the Assembly bill entitled "An act making an appropriation to pay certain awards made by the Canal Appraisers, and to pay counsel employed on behalf of the State," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act making an appropriation to pay certain awards made by the Canal Appraisers, and to pay counsel employed on behalf of the State; also re-appropriating money to pay certificates of indebtedness outstanding," and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act authorizing the Buffalo City Cemetery to convey to the city of Buffalo certain lands for a street."

"An act to repeal chapter 250 of the Laws of 1853, entitled 'An act relating to incorporated banks, banking associations and individual bankers located in the city of New York.'"

"An act to amend chapter 326 of the Laws of 1874, entitled 'An act to provide for improvements in and adjoining the first ward of Long Island City.'"

"An act providing for the incorporation of the Tompkins County New York Patrons' Mutual Fire Relief Association."

"Concurrent resolution proposing an amendment to section 6 of article 6 of the Constitution."

The bill entitled "An act authorizing the Buffalo City Cemetery to convey to the city of Buffalo certain lands for a street," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bradley	Gerard	Morrissey	Starbuck	
Carpenter	Harris	Prince	Vedder	
Cole	Jacobs	Robertson	Wagner	
Coleman	Kennaday	Schoonmaker	Wellman	
Doolittle	Loomis	Selkreg	Woodin	20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to repeal chapter 250 of the Laws of 1853, entitled 'An act relating to incorporated banks, banking associations, and individual bankers located in the city of New York,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bradley	Hammond	Prince	Vedder	
Carpenter	Kennaday	Robertson	Wagner	
Cole	Loomis	Schoonmaker	Wagstaff	
Coleman	McCarthy	Selkreg	Wellman	
Doolittle	Morrissey	Starbuck	Woodin	
Gerard				21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to establish the boundary line between the towns of Jay and Wilmington, in the county of Essex, and to confirm the past jurisdiction of said towns respectively, in relation to said line," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bradley	Gerard	Prince	Vedder
Carpenter	Hammond	Robertson	Wagner
Cole	Kennaday	Schoonmaker	Wagstaff

Coleman	Loomis	Selkreg	Wellman	
Doolittle	Morrissey	Starbuck	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to proceedings in surrogates' courts," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bradley	Gerard	Prince	Vedder	
Carpenter	Hammond	Robertson	Wagner	
Cole	Kennaday	Schoonmaker	Wagstaff	
Coleman	Loomis	Selkreg	Wellman	
Doolittle	Morrissey	Starbuck	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to confer certain powers and privileges upon the New York Academy of Medicine," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bradley	Gerard	Robertson	Vedder	
Carpenter	Kennaday	Schoonmaker	Wagstaff	
Cole	Loomis	Selkreg	Wellman	
Coleman	Morrissey	Starbuck	Woodin	
Doolittle	Prince	Tobey		19

FOR THE NEGATIVE.

Hammond

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to enable the city of Brooklyn to acquire certain lands lying in Atlantic avenue, decided to be the property of the heirs of John Cowenhoven," having been announced for a third reading,

On motion of Mr. Kennaday, and by unanimous consent, said bill was amended as follows :

Section 1, line 8, after the words "Supreme Court," insert the words and to become final."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bradley	Gerard	Loomis	Selkreg
penter	Hammond	McCarthy	Starbuck

Cole	Harris	Morrissey	Vedder	
Coleman	Jacobs	Robertson	Wagstaff	
Doolittle	Kennaday	Schoonmaker	Wellman	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The bill entitled "An act to amend chapter 326 of the Laws of 1874, entitled 'An act to provide for improvements in and adjoining the first ward of Long Island City,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bradley	Jacobs	Prince	Vedder	
Carpenter	Kennaday	Robertson	Wagner	
Cole	McCarthy	Schoonmaker	Wagstaff	
Coleman	Morrissey	Selkreg	Wellman	
Doolittle				17

FOR THE NEGATIVE.

Gerard	Hammond	Starbuck		3
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Mr. Starbuck moved to reconsider the vote by which said bill was passed, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to further amend chapter 150 of the Laws of 1872, entitled 'An act to incorporate the city of Kingston,'" having been announced for a third reading,

On motion of Mr. Schoonmaker, and by unanimous consent said bill was amended as follows :

Section 4, line 14, printed bill, strike out the words "said article," and insert the word "law." Section 6, line 13, after the word "paid," insert the words "but not exceeding five days." Section 15, line 38, strike out the word "two," and insert the word "four." Same section, line 39, strike out the word "two," and insert the word "four." Same section, line 40, strike out the word "one," and insert the word "two."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bradley	Hammond	McCarthy	Starbuck	
Carpenter	Jacobs	Morrissey	Vedder	
Cole	Kennaday	Robertson	Wagner	
Coleman	Lamont	Schoonmaker	Wagstaff	
Gerard	Loomis	Selkreg	Wellman	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to confirm the proceedings taken by the common council of the city of Buffalo, to clean the sewer in

Wadsworth street, between Hudson and Pennsylvania streets, in said city," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bradley	Jacobs	Morrissey	Starbuck
Carpenter	Kennaday	Prince	Vedder
Cole	Lamont	Robertson	Wagner
Coleman	Loomis	Schoonmaker	Wellman
Doolittle	McCarthy	Selkreg	Woodin
Gerard			

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act extending the time for the organization of the New York Loan and Security Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate, voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Carpenter	Jacobs	Prince	Starbuck
Coleman	Kennaday	Robertson	Vedder
Doolittle	Loomis	Schoonmaker	Wagner
Gerard	Morrissey	Selkreg	Wellman
Harris			

17

FOR THE NEGATIVE.

Bradley	Hammond	Lamont	McCarthy
Cole			

5

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act providing for the incorporation of the Tompkins County New York Patrons' Mutual Fire Relief Association," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bradley	Gerard	McCarthy	Starbuck
Cole	Hammond	Morrissey	Vedder
Coleman	Jacobs	Prince	Wagner
Doolittle	Kennaday	Robertson	Wellman
Emerson	Lamont	Selkreg	

19

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Harris presented the following report :

*To the Legislature :*

Your committee of conference, to which were referred the matters of difference between the two Houses upon Assembly bill entitled "An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations," beg leave respectfully to report :

That they met and have duly considered such matters of difference, and have agreed to recommend that the Assembly do concur in the following amendments to the bill as proposed and adopted in the Senate (reference in all cases being made to the engrossed bill), viz. :

Page 2, after line 34, insert the following : "And the further sum of five hundred and seventy-one dollars and twenty cents, for that portion of his annual compensation as a Member of the Assembly, which was drawn while his seat was held by the Hon. Edward Curran.

Page 3, line 11, insert as follows :

For Charles E. Leland and Company, for the use of rooms for the Senate committee on cities, and other committees, during the session of eighteen hundred and seventy-seven, the sum of six hundred dollars.

For Adam Blake, for use of rooms at Congress Hall, for legislative committees in eighteen hundred and seventy-seven, the sum of two hundred dollars, to be credited to his account of the rent of Congress Hall.

Page 3, lines 10 to 18, amend the item so as to read as follows :

For the Clerks of the Senate and Assembly the sum of four thousand nine hundred and forty-two dollars and thirty-seven cents, to pay for carpets and laying the same in the Senate and Assembly chambers, under the direction of said clerks.

Page 4, at end of line 15, insert the following :

To Joel B. Lindsley and William C. Stead, mail carriers of the Senate and Assembly, respectively, for the year eighteen hundred and seventy-seven, one hundred dollars each; and to said Stead, for carrying the Assembly mail from the fourth to the twelfth day of January, eighteen hundred and seventy-six, sixteen dollars.

For Robert F. McIntyre, for services as post-office messenger of the Senate for the sessions of eighteen hundred and seventy-six and eighteen hundred and seventy-seven, the sum of one hundred dollars.

For L. E. Drake, for services as messenger to the Senate committees on public health and literature, appointed under resolution of the Senate January ten, eighteen hundred and seventy-seven, the sum of three hundred and fifty dollars, or so much thereof as may be necessary.

For Charles H. Peck, State botanist, for traveling and other expenses, as such botanist, the sum of ninety-three dollars and eight cents.

For Duncan C. McMillen, for his services as stenographer in reporting the evidence taken before the committee of the Assembly of eighteen hundred and seventy-one, appointed to investigate the facts of the assault by James Irvin upon Smith M. Weed, and also for his services as stenographer in reporting the transactions of the committee of the Assembly of eighteen hundred and seventy-one, to which were referred the amendments to the excise laws, the sum of eighty-five dollars.

Page 4, after item "For the Comptroller for payment to county clerks," insert the following :

For the Comptroller to pay the expenses of giving notices to occupants of lands bid in by the State at tax sales, and of procuring and



recording deeds to lands for which the State has acquired title from tax sales, the sum of five hundred dollars, or so much thereof as may be necessary.

The sum of two hundred thousand dollars, or so much thereof as may remain in the State Treasury to the credit of the bounty debt sinking fund, after providing for the payment of the State bounty debt, in full, principal and interest, is hereby appropriated to meet any deficiency existing in the general fund debt sinking fund, for the payment of the general fund State debt, or so much thereof as may be necessary.

For the Comptroller, for the expenses of printing and publishing, for the period prescribed by law, the notices and lists of lands to be sold for taxes, and for the expenses of such sale, twenty-two thousand dollars, or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the assistant agent of the Comptroller to examine the accounts of auctioneers, two hundred and fifty dollars, or so much thereof as may be necessary.

For the purchase of coin to pay interest on general fund State debt, six thousand dollars, or so much thereof as may be necessary.

For deficiency in appropriation for compensation of crier and attendants of the Court of Appeals, one thousand five hundred dollars, or so much thereof as may be necessary.

For the salary of the shore inspector for the current fiscal year, two thousand dollars, payable from the proceeds of the tax levied in pursuance of chapter six hundred and four, Laws of eighteen hundred and seventy-five.

For deficiency in appropriation for rent of Governor's house and for repairs and furniture in case of the purchase of an Executive residence, four thousand dollars, or so much thereof as may be necessary.

For the attorney in fact of the next of kin of Andrew Fichter, deceased, and to such other officers or persons as are named in an order of the Supreme Court, the sum of two thousand nine hundred and ninety-five dollars and eighty-seven cents, payable from the money deposited in the State Treasury on the fifteenth day of March, eighteen hundred and seventy-six, by Horace T. Cook, treasurer of Cayuga county, and public administrator on account of the estate of the said Andrew Fichter.

For the Comptroller, the sum of fifteen thousand dollars, or so much thereof as may be necessary, for the payment of clerk hire, counsel fees, and other necessary expenses to be incurred under his direction, for examination into the situation, value and title of property, real and personal, belonging to the school fund; for recovering amounts due said fund on bonds and mortgages, or otherwise; and for investigation into the affairs of commissioners for the loan of the United States deposit fund, and of the security of such loans.

For the Commissioners of the Land Office, to enable them, when necessary, to cause an examination of lands belonging to the State and sought to be purchased therefrom, the sum of one thousand dollars.

The Comptroller is hereby authorized and directed to cancel and surrender a bond for one thousand dollars held by the State, and received from the authorities of the village of Dunkirk, for and upon the sale of the State armory at Dunkirk.

Page 5, line 4, strike out the word "five," and insert the word "fifteen."

Same page, line 13, strike out the word "two," and insert the word "three."

Same page, lines 13 and 14, strike out the words "fifty-four," and insert the word "five."

Same page, line 14, strike out the words "twenty-four," and insert the words "sixty-nine."

Same page, after line 14, insert the following:

For the Attorney-General, for expenses in preparing for defense in cases before the State Board of Audit, the sum of one thousand five hundred dollars, or so much thereof as may be necessary; and for the salary of an additional clerk in his office, the further sum of one thousand five hundred dollars.

For Hon. C. P. Vedder, Senator from the Thirty-second district, for legal expenses incurred by him in the matter of the contested election for Senator in said district, the sum of four hundred dollars. To Stephen Moffitt, for counsel fees and expenses necessarily expended in the investigation before the committee on State prisons of the Senate, of charges made against him in the report of the State prison commission, three hundred dollars.

For the expenses incurred by the special committee of the Assembly appointed to welcome and confer with the joint committee of the Massachusetts Legislature, to be paid to the Clerk of the Assembly, one hundred and thirty-one dollars and fifty cents.

Same page, line 26, strike out the words "Adjutant-General for."

Same page, line 27, strike out the word "five," and insert the word "fifteen."

Same page, at the beginning of line 31, insert the following words: "For the Adjutant-General."

Page 6, after line 5, insert the following:

And for payment of accounts audited by the Adjutant-General for clothing and other necessary supplies furnished the Fifty-First Regiment of the National Guard, which had to be renewed by reason of the damage done on the occasion of the encampment of the sixth division in October, eighteen hundred and seventy-four, the sum of five thousand two hundred and six dollars, and which has not been paid.

For the Paymaster-General, to defray expenditures authorized by chapter one hundred and eighty-four of the Laws of 1863, the sum of five hundred dollars.

Same page, after line 13, insert the following:

For the Commissioners of Emigration, for the payment of their current expenses during the year commencing on the first day of May, eighteen hundred and seventy-seven, in pursuance of chapter two hundred and ninety-one of the Laws of 1876, the sum of one hundred and fifty thousand dollars.

Same page, line 16, strike out the word "eleven" and insert the word "fifteen," and strike out the words "and fifty."

Same page, after line 26, insert the following:

To pay two certificates issued by C. A. Walrath, Canal Commissioner, to Thomas Keeler, on account of dredging the Cayuga inlet, the sum of two thousand six hundred and twenty-three dollars and seventy cents.

For the purchase and erection of a suitable monument in the county of Saratoga, in commemoration of the decisive battle of the revolution fought in said county, one hundred years ago, the sum of ten thousand dollars, to be expended under the direction and supervision of the Comptroller, Secretary of State and Adjutant-General.

For the purchase and erection of a suitable and permanent memori-

or structure in the city of Kingston, in commemoration of the organization of the State government, one hundred years ago, the sum of fifteen thousand dollars, to be expended under the direction of the Comptroller, Secretary of State and the Adjutant-General.

For the purchase and erection of a suitable monument at Fort Green, in the city of Brooklyn, over the remains of the martyrs of the prison ship, the sum of ten thousand dollars, to be expended under the direction of the Comptroller, the Secretary of State and the Adjutant-General; provided an additional sum of fifty thousand dollars shall be raised by subscription or otherwise for the same purpose.

Same page, line 34, after the word "thousand," insert the words "one hundred and ninety-eight," and after the word "dollars" insert the words "and forty-one cents."

Page 7, line 1, strike out the words "that purpose" and insert the words "removing obstructions in said lake and the outlet thereof."

Page 8, line 25, after the word "fire," insert the words "and for the town of Geneva, Ontario county, made necessary by division of the town."

Same page, after line 27, insert the following:

For John I. Davenport, for balance of his bill for services as counsel for the Senate committee to investigate the several departments of the city of New York, two thousand dollars. For Darling, Griswold and Company, for board and rooms for said committee, seven hundred and sixty-nine dollars and fifty-eight cents.

Same page, after line 27, insert the following items:

For the Regents of the University, for the purchase, if approved by them, for the State Library, a copy, in bronze, by Power, of the life-cast of the head of Washington by Houdon, the sum of two hundred and fifty dollars.

For the trustees of the State Library, for the purchase of a frame for the portrait of Abraham Lincoln, now in the library, the sum of three hundred and twenty-five dollars.

Same page, line 32, after the word "in," first occurring, insert the words "Clark street and."

Same page, line 33, strike out the words "two thousand dollars" and insert the words "four thousand two hundred and thirty dollars and twenty-four cents."

Page 9, line 23, after the word "cents," insert the words "or so much thereof as may be necessary."

Same page, after line 31, insert the following:

For the State Normal School, at Brockport, the sum of five thousand dollars, for repairs on buildings and grounds and the purchase of apparatus.

Page 10, after line 3, insert the following:

For Honorable Ransom Balcom, as a gratuity upon his retirement from the Supreme Court bench in the sixth judicial district, after a service thereon of twenty-two years, the sum of five thousand four hundred dollars.

Same page, line 18, strike out the words "New Capitol Commissioners" and insert the word "Comptroller."

Same page, line 29, after the word "city," insert the words "by reason of a defective wall falling down."

Page 11, line 5, strike out the words "eight hundred and twenty-five" and insert the words "three thousand."

Same page, line 6, strike out the word "being" and insert the words "as a gratuity, and for."

Same page, after line 7, insert the following:

For Marila I. Sharpe, the widow of Reverend Ichabod B. Sharpe, who was killed by the fall of a canal bridge over the Genesee Valley canal near the village of Canadea, on the twenty-fourth day of June, eighteen hundred and seventy-six, the sum of three thousand dollars as a gratuity.

For D. Bristol Norton, who while in the line of his duty as a member of the section of artillery, twenty-eighth brigade, National Guards, lost an arm by the premature discharge of a cannon at Sheldrake, New York, on the tenth day of September, eighteen hundred and seventy-five, the sum of one thousand dollars as a gratuity.

Page 12, strike out line 28, down to and including the word "cents," in line 33, and insert the following:

For the New York State Lunatic Asylum at Utica, for repayment of money advanced for removing floors, ceilings and wood work generally, thirty-two thousand nine hundred and two dollars and forty-two cents. The said sum is to be in full of all expenditure for this purpose, and hereafter no expenditure shall be made or incurred for new work or repairs on said asylum without an appropriation first being made therefor.

Page 13, after line 2, insert the following:

For the managers of the New York State Lunatic Asylum at Utica, to pay I. C. McIntosh and the heirs of — Lobbell, for land taken for the use of the asylum, the sum of sixteen hundred dollars, or so much thereof as may be necessary, to be paid, upon the delivery, to the Comptroller of sufficient deeds for such land.

Page 15, strike out lines 23 to 28, both inclusive, relating to State Inebriate Asylum, at Binghamton.

Page 16, after line 10, insert the following:

For the Le Couteulx St. Mary's Institution for the Improved Instruction of Deaf Mutes, at Buffalo, for deficiency in appropriations for support and maintenance of deaf mutes, for the years eighteen hundred and seventy-five and eighteen hundred and seventy-six, two thousand three hundred and sixty-four dollars and eighteen cents.

Same page, strike out from and after the word "Comptroller," in line 19, down to and including the word "dollars," in line 21.

Same page, lines 33 and 34, strike out the words "for the erection of a new gas-house, the sum of seven thousand dollars."

Page 17, after line 1, insert the following:

For the support and maintenance of juvenile delinquents at the New York Catholic Protectory, the sum of twenty-five thousand dollars.

Same page, after line 28, insert the following:

For the Superintendent of State Prisons to pay Thomas Hamilton, for balance due him on account of materials furnished and delivered to the authorities at the State prison at Sing Sing, in the county of Westchester, the sum of two thousand two hundred and thirty-eight dollars and ninety-three cents; to be paid by the Comptroller when he is satisfied that the amount is due and should be paid.

Same page, after item for "Auburn State Prison," insert the following:

For securing additional religious instruction to convicts in the several State prisons, the sum of fifteen hundred dollars, to be expended under the direction of the Superintendent of State Prisons.

Same page, strike out from and including line 34 down to and including

line 9, on page 18, being the item for "Manual Labor School on Tonawanda reservation."

Page 18, after line 14, insert the following :

For the Asylum for Insane Convicts at Auburn, for fences and awnings, stairway, painting roofs, wood work and window-gratings, dormitories for employes, for ceiling basement hall, repairing passageways to center building, for books, hay-scales, steam-kettles for cooking, and boiler flumes, the sum of three thousand dollars. And to pay an outstanding indebtedness for goods purchased for said asylum by the late superintendent thereof, the sum of one thousand two hundred and eighty dollars and twenty-two cents.

For the Superintendent of State Prisons for salary, his reasonable and necessary traveling expenses and clerk hire, to the close of the fiscal year ending September thirtieth, eighteen hundred and seventy-seven, in pursuance of chapter twenty-four, Laws of 1877, four thousand eight hundred and eighty-eight dollars and eighty-nine cents, or so much thereof as may be necessary.

Same page, after line 30, insert the following :

For the board of commissioners of quarantine, for the care and maintenance of the quarantine establishment, the sum of ten thousand dollars, or so much thereof as may be necessary, to be expended for repairs, for clerk and superintendent hire and office rent.

The following provision of chapter four hundred and ninety-two of the Laws of eighteen hundred and seventy, viz.: "And to enable the health officer to enforce that sanitary discipline among the employes of said establishment, which is necessary to the prompt and efficient discharge of his duties, all of said employes, as well as all persons required by law to be licensed for service under quarantine, shall be selected and licensed, and may at pleasure be dismissed by him, and the compensation and charges for services of all persons so selected or licensed, shall be fixed and determined by said commissioners, in conjunction with the health officer, the mayor of the city of New York, the president of the board of aldermen of said city, and the mayor of the city of Brooklyn," is hereby repealed.

The corporation formed under and pursuant to the authority of chapter four hundred and ninety-two of the Laws of eighteen hundred and seventy, for the purpose of constructing warehouses, docks and wharves, for quarantine purposes in the bay of New York, shall not be deemed dissolved if it shall commence its operations within two years from the passage of this act.

Same page, line 33, after the word "grounds," insert the words "at Elmira."

Page 19, after line three, insert the following :

For the actual and necessary expenses of the commission to be created for the purpose of establishing bulk-head lines in the Hudson river, to be paid upon vouchers to be furnished to and audited by the Comptroller, the sum of one thousand dollars.

Same page, line 27, strike out the word "him" and insert the word "them."

Same page, after line 27, insert the following :

For repairing the road across the Onondaga Indian reservation, leading from what is known as the "Castle hotel," in the town of Onondaga, to a point intersecting the road leading by the house of Edwin Clark, a distance of about one and one-eighth miles, the sum of five hundred dol-

lars, to be expended under the supervision of John Kelly of said town, who is hereby appointed a commissioner for that purpose, who shall receive out of said sum three dollars per day for each full day occupied by him in the discharge of such duty, but for not exceeding fifteen days in the aggregate, and who shall execute to the people of this State a bond, to be approved by the comptroller, for the faithful discharge of his duties as such commissioner.

Page 20, amend item from line 6 to line 10, both inclusive, so as to read as follows:

For Banks and Brothers, for eight sets of the Revised Statutes of this State, purchased for the use of the Senate and Assembly libraries, pursuant to resolutions of the Senate and Assembly, the sum of one hundred and twenty-eight dollars.

Same page, strike out from and after the word "cents," in line 32, down to and including line 5, on page 21, and insert the words "or so much thereof as may be necessary."

Same page, in line 17, after the word "of," second occurring, insert the word "the."

Page 22, line 18, strike out the word "five" and insert the word "two."

Same page, after line 19, insert the following:

The Comptroller is hereby authorized to audit and pay to Weed, Parsons and Company, for printing, binding and lithographing, under their contract with the Clerks of the Senate and Assembly, pursuant to concurrent resolution passed January fourth, eighteen hundred and seventy-six, provision for the payment of which is made by chapter one hundred and ninety-three of the Laws of eighteen hundred and seventy-six, at the rates current in the city of Albany at the time said contract was made.

The sum of one million dollars is hereby appropriated toward the erection of the New Capitol building, which shall be paid by the Treasurer, upon the warrant of the Comptroller, to the order of the New Capitol Commissioners, as they shall require the same.

The New Capitol Commissioners are hereby directed to build and complete the exterior of the New Capitol building in the Italian renaissance style of architecture, adopted in the original design, and according to the style in which the building was being erected prior to the adoption of the so-called "modified design."

The salary of the superintendent of the New Capitol shall hereafter be seven thousand five hundred dollars per year.

Page 23, line 7, strike out the words "payable from the ordinary canal repair fund."

Page 24, strike out from and including line 1, down to and including line 8.

Your committee have agreed further to recommend that the Assembly do concur in the following items and amendments to the bill adopted in the Senate and Assembly, and amended in the conference committee so as to read as follows:

Page 4, after line 25, insert the following:

For the purpose of establishing a law library, to be located at Canton, St. Lawrence county, for the use of the Supreme Court, the sum of two thousand dollars; to be expended in the purchase of books, under the direction and supervision of the Justice of the Supreme Court residing in said village. The warrant of the Comptroller shall not, however, be issued for the above-mentioned sum until an equal amount

shall be raised either by private subscription, or otherwise, and placed at the disposal of said justice for the same purpose; the certificate of said justice of such fact shall be evidence to the Comptroller that the sum has been raised and placed at his disposal.

For the Comptroller, for the payment of the sum of one thousand and thirty dollars and eighty-five cents, or so much thereof as may be necessary, to pay the late clerk of Kings county, for notices given to notaries public from January twentieth, eighteen hundred and seventy-one, to December ninth, eighteen hundred and seventy-six; and for James B. Paddon, late clerk of the county of Oneida, fifty-four dollars and fifty-eight cents for like notices given in the year eighteen hundred and seventy-five; and for Tyrus H. Ferris, late clerk of St. Lawrence county, for like notices, the sum of sixty dollars, or so much thereof as may be necessary.

Page 5, after item "for an additional clerk in the office of the Attorney-General," insert the following:

For the Attorney-General, for the payment of the services of Simon W. Rosendale, appointed by the Governor, as counsel on the part of the people in the investigation of the charges against the superintendent of the New Capitol, the sum of one thousand five hundred dollars; for payment of Thomas E. Norman, for services in such investigation as an expert, the sum of three hundred dollars; and for payment of the services of Charles J. Hailes, in such investigation, as stenographer, the sum of six hundred and twenty dollars and twenty cents.

For James W. Eaton, superintendent of the New Capitol, for counsel fees paid by him in the investigation before the county judge of Albany county, of charges against him as such superintendent, which were not sustained by proof, the sum of two thousand one hundred dollars; for the amount paid by him for the services of experts in such investigation, the sum of three hundred dollars; and for the amount paid by him for the services of a stenographer in such investigation, the sum of three hundred and ninety-four dollars.

Same page, after line 25, insert the following:

For deficiency in appropriations for clerks and employes in the insurance department, and expenses of examinations, for the current fiscal year, the sum of sixteen thousand four hundred and eighty-two dollars and eight cents; to be refunded to the treasury by the several insurance companies, associations, persons and agents, to whom chapter three hundred and sixty-six of the Laws of eighteen hundred and fifty-nine applies; and the sum of two thousand and twenty-nine dollars, or so much thereof as may be necessary, is hereby appropriated to pay counsel fees, stenographers' fees, and other necessary expenses of the insurance committee of the Assembly of 1877 in the investigation of life insurance companies before the said committee; the amounts of each item to be certified by the chairman of the committee and audited by the Comptroller; and for A. B. Mullett the sum of two hundred dollars, and for Richard M. Hunt, Henry Dudley, A. Russell, D. Leineau, Henry Fernbeck, George B. Post, N. LeBrun, Gridley I. F. Bryant, Edward H. Kendall and Calvert Vaux, each, the sum of one hundred dollars are hereby appropriated, for their services as experts before the joint committee on finance and ways and means of the Legislature of 1877 in the investigation of the plans of the New Capitol building.

Page 6, after line 9, insert the following:

For compensation of stenographers, pursuant to chapter seven hun-

dred and sixty-five of the Laws of eighteen hundred and sixty-eight, three thousand four hundred and seventy-five dollars; said amount to be paid only from the moneys which have been or shall be paid into the treasury for taxes levied for the purposes of said act and in pursuance thereof.

For the payment of awards made by the board of audit, down to and including the award for Chauncey P. Boorne, made on the eleventh day of April, eighteen hundred and seventy-seven, the sum of nine thousand five hundred and eighteen dollars and ninety-eight cents, or so much thereof as may be necessary, as follows: for E. Maria Mygatt, the sum of five hundred dollars; for Owen O'Hare, the sum of seventy-dollars; for W. E. Hughitt, the sum of eight hundred and twenty-nine dollars and thirty-five cents, and the further sum of thirty-one dollars and thirty-five cents; for William H. James and Isabella A. James the sum of two thousand five hundred and fourteen dollars and eighty-seven cents; for Bentley R. Sherman and Elizabeth D. Johnson, Belle Johnson and Frank B. Johnson, the sum of one thousand and seven dollars; for David H. Parsons the sum of three hundred and eighty-three dollars and seventy-five cents; for F. F. Fargo the sum of one hundred and sixty-eight dollars; for Warburton, Bonyng and Underhill the sum of three hundred and fifty-eight dollars and eighty cents; for James Farrell the sum of seventy dollars; for George Heath the sum of one thousand five hundred and sixty-one dollars and twenty-four cents; for Rollin Tracey the sum of one thousand six hundred and eighty-three dollars and twelve cents; for Edward M. Goring the sum of two hundred and ninety-two dollars and fifty-cents; and for Chauncey P. Boorne the sum of forty-nine dollars.

Page 15, add at end of line 18 the following: "For deficiency of appropriations for putting in gas pipes, and for completion of the work, the sum of six hundred dollars."

Page 17, after line 18, insert the following: "and are further authorized to dismiss the superintending builder when, in their judgment, the services of a superintending builder are no longer needed."

For payment of the balance due the Angell and Blake Manufacturing Company, on their contract for furnishing a steam-heating and ventilating apparatus, for the south wing and center buildings of the Elmira reformatory, and of the balance due Rumrill and Rupp, on their contract for superstructure of north wing and basement of warden's residence of said reformatory, the sum of five thousand three hundred and thirty-two dollars and seventeen cents, in addition to the sum of two hundred and sixteen dollars and eighty-three cents, now available for such purposes, being the per centages retained as a guaranty for the faithful performance of their respective contracts.

Same page, after line 30, insert the following: "And for repairing roofs on main building and adjacent wings and shops, three thousand dollars."

Page 22, after item fixing salary of superintendent of New Capitol, insert the following:

The New Capitol Commissioners are hereby authorized to audit and settle any claim of Thomas Fuller, the late architect employed upon the New Capitol prior to the employment of the present architects, not recognizing hereby the existence of a permanent contract.

Your committee have agreed further to recommend that the Senate do



recede from the following items and amendments to the bill adopted in the Senate:

Page 4, lines 21 and 22, strike out the words "one thousand," and insert the words "five hundred."

Same page, line 22, after the word "dollars," insert the following: "And for the third judicial district law library, at Kingston, and the fourth judicial district law library, at Saratoga, each, the additional sum of five hundred dollars."

Page 15, after line 28, insert the following:

For the Asylum for the Blind, at Batavia, for deficiency in improvement fund, the sum of five thousand dollars, or so much thereof as may be necessary.

Page 18, lines 10 to 14, both inclusive, strike out the following: "For maintaining the system of guidance, employment and aid of discharged prisoners, as now established by law, the sum of five thousand dollars, to be expended in such manner as the Comptroller shall direct."

Page 19, after line 27, insert the following:

To the commissioners to revise the statutes, for the general expenses of the commission, to be expended under the direction of the commissioners, twelve hundred and eighty-four dollars and ninety-eight cents, being the balance of the former appropriations for the expenses of the commissioners for clerical services and other incidental matters, which remained unexpended on the first of October, eighteen hundred and seventy-six; also so much of the appropriation for the latter purpose, during the current fiscal year, as shall remain unexpended on the first of October, eighteen hundred and seventy-seven; also so much of the appropriation for the same purpose during the fiscal year beginning October first, eighteen hundred and seventy-seven, as the majority of the commissioners shall at any time set apart for the general expenses of the commission.

Page 20, line 20, strike out the word "nine," and insert the word "six," and after the word "thousand," insert the words "six hundred."

And your committee have agreed further to recommend that the Senate do recede from the amendments to the bill as adopted in the Senate, viz.:

Page 18, after the word "resigned," in line 22, strike out down to and including the word "business," in line 27, and to concur in the item as amended in conference committee so as to read as follows:

The term of office of the Board of Commissioners of the State Survey, appointed by chapter one hundred and ninety-three of the Laws of eighteen hundred and seventy-six, is hereby extended to the first day of May, eighteen hundred and seventy-eight; and George Geddes is hereby appointed a Commissioner of the State Survey in place of Frederick L. Olmsted, resigned. Frederick A. P. Barnard is hereby appointed an additional member of such Board of Commissioners of the State Survey. Five members of the board, convened at any regular meeting thereof, shall constitute a quorum for the transaction of business. On or before the fifteenth day of next January such board shall make to the Legislature a report of their proceedings during the present year, and a detailed statement of their expenditures.

Also, strike out from and after the word "appropriated," in line 26, on page 20, down to and including the word "cents," in line 32, and to concur in the item as amended in conference committee, so as to read as follows: "For printing and binding eight hundred and forty copies of

the report of the commission appointed by the Governor, under concurrent resolution of the Legislature, to investigate canal affairs, two thousand six hundred and forty-seven pages each, the sum of four thousand and eighty-six dollars and thirty-eight cents; provided that, in the judgment of the Comptroller, the work for which the payment is here provided is not included in the contract for legislative printing."

All of which is respectfully submitted.

HAMILTON HARRIS,  
D. McCARTHY,  
JOHN C. JACOBS,  
*Senate Committee.*

JAMES W. HUSTED,  
THOMAS G. ALVORD,  
ISAAC I. HAYES,  
LUKE H. COZANS,  
ISAAC H. MAYNARD,  
*Assembly Committee.*

ALBANY, May 1, 1877.

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Harris	Morrissey	Vedder
Bradley	Jacobs	Robertson	Wagner
Carpenter	Kennaday	Sayre	Wagstaff
Coleman	Lamont	Schoonmaker	Wellman
Doolittle	Loomis	Starbuck	Woodin
Emerson	McCarthy	Tobey	22

FOR THE NEGATIVE.

Cole	Hammond	Prince	Selkreg
Gerard			5

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference thereon.

The Assembly bill entitled "An act to authorize the Arctic Fire Insurance Company of New York to amend its charter and to extend its powers and privileges thereunder," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Kennaday	Robertson
Coleman	Harris	Loomis	Tobey
Doolittle	Jacobs	Prince	Wagstaff
Emerson			13

FOR THE NEGATIVE.

Bradley	Lamont	Schoonmaker	Vedder
Cole	McCarthy	Selkreg	Wagner
Hammond	Sayre	Starbuck	Wellman
			12

Mr. Wagstaff moved to reconsider the vote by which said bill was lost, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Robertson, from the committee on the judiciary, to which was

referred the bill entitled "An act authorizing the surrogate of the county of New York to charge and collect certain fees, and directing the disposition thereof," reported adversely thereto.

Mr. Gerard moved to disagree with the report of the committee, and that the same be committed to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

**FOR THE AFFIRMATIVE.**

Cole	Hammond	Kennaday	Starbuck
Emerson	Jacobs	Morrissey	Wagstaff
Gerard			

9

**FOR THE NEGATIVE.**

Bradley	Loomis	Sayre	Wagner
Coleman	McCarthy	Schoonmaker	Wellman
Doolittle	Prince	Selkreg	Woodin
Lamont	Robertson	Vedder	

15

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative.

Said bill was rejected.

By unanimous consent, Mr. McCarthy asked and obtained leave to introduce a bill entitled "An act to secure more correctly statistics of the agricultural products of the State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

The President having announced the hour for executive session,

Mr. Starbuck moved that the executive session be postponed until half-past one o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to authorize railroad corporations to pay commutation money for highway labor to the commissioners of highways of towns," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to enable the president, directors and companies of the Catskill, Newtown and Susquehanna turnpike roads to abandon parts of their roads," reported in favor of the passage of the same.

On motion of Mr. Schoonmaker, and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Bixby	Gerard	Loomis	Schoonmaker
Bradley	Hammond	McCarthy	Selkreg
Cole	Harris	Morrissey	Starbuck
Coleman	Jacobs	Robertson	Vedder
Doolittle	Kennaday	Sayre	Wagstaff
Emerson	Lamont		

22

## FOR THE NEGATIVE.

Prince

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Prince offered the following:

*Resolved*, That the original map entitled "Hydrographic chart, showing the proposed pier and bulk-head lines between Fort Wadsworth and New Brighton, Staten Island, New York harbor, which accompanied the report of the officers appointed by the President of the United States to examine and revise the exterior pier and bulk-head lines of the harbor of New York, on the Staten Island side, in accordance with a concurrent resolution of the Senate and Assembly, adopted in the year 1875 (printed as Senate document No. 53), be filed by the Clerk of the Senate in the office of the Secretary of State.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, Mr. Prince asked and obtained leave to introduce a bill entitled "An act to establish the exterior bulk-head and pier lines of the harbor of New York, on the Staten Island side," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to release the interest of the people of the State of New York, in certain real estate in the city of Rochester, to Thomas Knowles."

Assembly, "An act to further amend chapter 137 of the Laws of 1842, entitled 'An act in relation to common schools in the city of Utica,' and chapter 66 of the Laws of 1850, entitled 'An act in relation to common schools in the city of Utica.'"

"An act to amend section 3, article 2, title 6, chapter 8, part 1 of the Revised Statutes, in relation to the election of president and vice-president."

After some time spent therein the President resumed the chair, and Mr. Loomis, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Loomis, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act authorizing the inhabitants of school district No. 8 in the town of Pike, county of Wyoming, to sell a portion of their school-house."

"An act to amend chapter 863 of the Laws of 1873, entitled 'An act to amend the charter of the city of Brooklyn, and the various amendments thereof, passed June 28, 1873, and to further amend the charter of the city of Brooklyn, as amended by an act for that purpose, passed June 1, 1874, and as further amended by an act for that purpose, entitled An act to amend the charter of the city of Brooklyn, being the act for that purpose passed June 28, 1873, and the act for that purpose, passed June

1, 1874,' passed June 21, 1875, and the act for that purpose passed May 15, 1876."

"An act in relation to elections in certain towns of this State."

After some time spent therein the President resumed the chair, and Mr. Lamont, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Lamont, from the same committee, reported in favor of the passage of the second named bill, with amendments, and the title amended so as to read "An act to amend chapter 863 of the Laws of 1873, entitled 'An act to amend the charter of the city of Brooklyn, and the various amendments thereof,'" which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Lamont, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders; and after some time spent therein, the hour of half-past one o'clock having arrived, the President resumed the chair and announced that the Senate would now go into executive session.

Mr. Bixby moved that the executive session be further postponed until a quarter before two o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act in relation to the insurance of plate glass."

"An act in relation to life and fire insurance companies, associations or partnerships, incorporated by or organized under the laws of any other State of the United States or foreign government doing business in the State of New York."

Assembly, "An act to provide for perfecting and perpetuating the right and title of the city of New York to property, water, water-rights and privileges heretofore taken or used, or which may hereafter be taken or used by said city, to increase the supply of pure and wholesome water for the use of said city, and to provide for the payment and extinguishment of all claims or damages growing out of such taking or using."

After some time spent therein, the President resumed the chair, and Mr. Carpenter, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Carpenter, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Carpenter, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Bixby moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then went into executive session, and after some time spent therein, the doors were opened, and the Senate resumed legislative business.

Mr. Wellman moved that the bill entitled "An act in relation to elections in certain towns of this State," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. McCarthy offered the following:

*Resolved* (if the Assembly concur), That a respectful message be sent to his Excellency the Governor, requesting the return to the Senate of Senate bill No. 295, authorizing the St. Agnes Cemetery of Syracuse to sell and convey real estate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Harris asked and obtained leave to introduce a bill entitled "An act to amend chapter 107 of the Laws of 1877, entitled 'An act in relation to the Superintendent of State Prisons, and for the more efficient and economical management of said prisons,'" which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Harris, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Sprague
Bradley	Gerard	Prince	Starbuck
Carpenter	Hammond	Robertson	Vedder
Cole	Harris	Sayre	Wagner
Coleman	Jacobs	Schoonmaker	Wagstaff
Doolittle	Kennaday	Selkreg	Wellman

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act to provide for the election of a receiver of taxes and assessments for the town and village of Lansingburgh, in the county of Rensselaer, passed May 5, 1870," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 607 of the Laws of 1870, entitled 'An act to provide for the election of a receiver of taxes and assessments for the town and village of Lansingburgh, in the county of Rensselaer,'" and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to amend chapter 107 of the Laws of 1877, entitled 'An act in relation to the Superintendent of State prisons, and for the more effectual and economical management of said prisons.'"

On motion of Mr. Wagstaff, and by unanimous consent, the rules were suspended, and the committee of the whole was discharged from

the further consideration of the Assembly bill entitled "An act authorizing the Adjutant-General, the Inspector-General and the Commissary-General to audit the claim of the Ninth Regiment, National Guard of the State of New York, for uniforms and equipments worn out in the United States service during the late war," and the same was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Harris	Prince	Starbuck
Bradley	Jacobs	Robertson	Wagner
Doolittle	Kennaday	Sayre	Wagstaff
Emerson	McCarthy	Schoonmaker	Wellman
Gerard	Morrissey	Selkreg	Woodin
Hammond			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

On motion of Mr. Jacobs, the Senate adjourned.

THURSDAY, MAY 3, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

By unanimous consent, Mr. Jacobs asked and obtained leave to introduce a bill entitled "An act to amend chapter 187 of the Laws of 1876, entitled 'An act to authorize the use of steam power upon Atlantic avenue, east of Flatbush avenue, in the city of Brooklyn, passed April 28, 1876,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Prince moved that the consideration of the special orders, set down for this hour, be deferred until after the order of business of introduction of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Lamont presented a petition of citizens of Otsego county, in favor of the act providing for teachers' classes in academies; which was read and referred to the committee on literature.

Mr. Prince, from the committee on commerce and navigation, to which was referred the bill entitled "An act to establish the exterior bulk-head and pier lines of the harbor of New York, on the Staten Island side," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Prince, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to amend an act

entitled 'An act for the better protection of seamen in the port and harbor of New York,' passed March 21, 1866," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 184 of the Laws of 1866, entitled 'An act for the better protection of seamen in the port and harbor of New York,'" and said bill was committed to the committee of the whole.

Mr. Prince, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to change the bulk-head and pier lines for Newtown creek, in the port of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend chapter 559 of the Laws of 1874, entitled 'An act to incorporate the Niagara Grand Island Bridge Company,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend section 1 of chapter 177 of the Laws of 1855, entitled 'An act authorizing the construction of a bridge or dam, or both, across the creek or portion of Niagara river, which separates Tonawanda, or White's Island, from the main land,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act empowering the railroad commissioners of the town of Ithaca, Tompkins county, to issue bonds bearing interest, not exceeding 6 per cent, to take up bonds heretofore issued by said town in aid of the construction of the Ithaca and Athens railroad," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend chapter 458 of the Laws of 1875, entitled 'An act to amend chapter 807 of the Laws of 1873, entitled 'An act concerning notaries public in the counties of Kings, Queens, Richmond, Westchester and Rockland, and in the city and county of New York, and authorizing them to exercise the functions of their office therein,'" reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to further amend chapter 807 of the Laws of 1873, entitled 'An act concerning notaries public in the counties of Kings, Queens, Richmond, Westchester and Rockland, and in the city and county of New York, and authorizing them to exercise the functions of their office therein,'" and said bill was committed to the committee of the whole.

Mr. Coleman, from the committee on banks, to which was recommitted the bill entitled "An act to amend chapter 371 of the Laws of 1875, entitled 'An act to conform the charters of all savings banks, or institutions for savings, to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs,'" reported that the committee have had the same under consideration, and recommend that the Senate disagree to the amendments of the Assembly thereto, and ask for the appointment of a conference committee.



The President put the question whether the Senate would agree to said report, and it was decided in the affirmative.

The President announced as such committee, Messrs. Coleman, Wellman and St. John.

*Ordered*, That the Clerk return said bill to the Assembly with a message informing that the Senate have non-concurred in their amendments, and request a committee of conference thereon.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend chapter 482 of the Laws of 1875, entitled 'An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Starbuck, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act to amend section 3 of chapter 564 of the Laws of 1875, entitled 'An act to amend chapter 122 of the Laws of 1851, entitled An act for the incorporation of building, mutual, loan and accumulating fund associations, passed June 2, 1875,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Starbuck, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act to amend chapter 319 of the Laws of 1848, entitled 'An act for the incorporation of benevolent, charitable societies, and missionary societies,' and to make it applicable also to literary societies," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Starbuck, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act for the incorporation of societies or clubs for certain social and recreative purposes,' passed April 11, 1865," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the bill entitled as follows:

"An act entitled 'An act to amend the charter of the Arctic Fire Insurance Company of New York, and to extend the powers and privileges thereof,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

Mr. Emerson introduced a bill entitled "An act to provide for the care and instruction of idle and truant children in the city of Rochester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

Mr. Bradley introduced a bill entitled "An act to amend chapter 960 of the Laws of 1867, entitled 'An act to authorize the consolidation of corporations organized under the act entitled An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed February 17, 1848, or any of the acts amending or extending the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Senate then proceeded to the consideration of the special orders, being the concurrent resolutions entitled as follows:

"Relative to canal toll sheet for the year 1877."

"Relative to the abolition of tolls, or in the imposition of a nominal rate of tolls on certain articles and commodities."

Mr. Cole moved that the committee of the whole be discharged from the further consideration of the concurrent resolutions, in the words following, and that the same be referred to the Senate.

*Resolved* (if the Senate concur), That the legislature do concur in the rates of toll established by the Canal Board for the year 1877, on persons and property transported on the Erie, Champlain, Oswego and Cayuga and Seneca canals; said rates being in all respects the same as for 1876, excepting a reduction of fifty per cent on grain, salt manufactured in this State, and lumber transported in boats, and the exemption of boats from the payment of tolls.

*Resolved* (if the Senate concur), That the legislature do consent to the reduction of tolls on flour, iron ore, staves and heading transported on the Erie, Champlain, Oswego and Cayuga and Seneca Falls; on coal going towards and from tide-water, and on all up freight, except foreign salt, to such an extent not exceeding fifty per cent below the rates of 1876, as the Canal Board shall, in its discretion, think expedient, and as the exigencies of trade shall demand during the ensuing season of navigation.

*Resolved* (if the Senate concur), That the legislature do concur in the action of the Canal Board under date of April 10, 1877, in the adoption of the following resolution:

*Resolved*, That the rate of toll on peas and beans, in the toll-sheet heretofore submitted to the legislature, be fixed at one-half mill per 1,000 pounds per mile, and that the legislature be requested to concur therewith.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then proceeded to the consideration of said resolutions:

Mr. Bradley moved to amend so as to read as follows:

Strike out all after the words "Resolved, if the Senate concur," and insert as follows: "That the Legislature do concur in the determination of the Canal Board to exempt boats from payment of tolls, and further do adopt and continue the rates of toll as they were in 1876, on persons and property transported on the Erie, Champlain, Oswego, Cayuga and Seneca canals."

After debate,

Mr. Sprague moved a call of the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Clerk then called the roll, when the following Senators answered to their names:

Bixby	Hammond	Prince	Starbuck
Bradley	Harris	Robertson	Tobey
Carpenter	Jacobs	St. John	Vedder
Cole	Keenaday	Sayre	Wagner
Coleman	Lamont	Schoonmaker	Wagstaff
Doolittle	Loomis	Selkreg	Wellman
Emerson	McCarthy	Sprague	Woodin
Gerard	Morrissey		

The President put the question upon the amendment offered by Mr. Bradley, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Bradley	Doolittle	Sayre	Vedder	12
Carpenter	Hammond	Schoonmaker	Wagner	
Coleman	St. John	Starbuck	Wellman	

## FOR THE NEGATIVE.

Bixby	Jacobs	Morrissey	Sprague	18
Cole	Kennaday	Prince	Tobey	
Emerson	Lamont	Robertson	Wagstaff	
Gerard	Loomis	Selkreg	Woodin	
Harris	McCarthy			

The President then put the question upon the original resolutions, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Jacobs	McCarthy	Selkreg	17
Cole	Kennaday	Morrissey	Sprague	
Emerson	Lamont	Prince	Tobey	
Gerard	Loomis	Robertson	Wagstaff	
Harris				

## FOR THE NEGATIVE.

Bradley	Hammond	Schoonmaker	Wagner	13
Carpenter	St. John	Starbuck	Wellman	
Coleman	Sayre	Vedder	Woodin	
Doolittle				

*Ordered*, That the Clerk return said resolutions to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Cole moved that the committee of the whole be discharged from the further consideration of the resolution, in the words following, and that the same be referred to the Senate:

*Resolved* (if the Assembly concur), That the Legislature do concur with the Canal Board in the abolition of tolls or in the imposition of a nominal rate of tolls upon the following named articles and commodities, namely: Furs and peltries, pork, beef, bacon, lard, tallow and lard oil, wood, corn meal, dried fruits, cotton, manufactured tobacco, hemp, clover and grass seed, hops, domestic spirits, leather, bar and pig lead, coffee, live cattle, hogs, sheep, domestic woollens and domestic cottons.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question upon the adoption of said resolution, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Jacobs	Robertson	Tobey	26
Bradley	Kennaday	St. John	Vedder	
Cole	Lamont	Schoonmaker	Wagner	
Emerson	Loomis	Selkreg	Wagstaff	
Gerard	McCarthy	Sprague	Wellman	
Hammond	Morrissey	Starbuck	Woodin	
Harris	Prince			

## FOR THE NEGATIVE.

Carpenter

Coleman

Doolittle

3

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to create a board of assessors in and for the city of Utica," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act relating to the payment of assessments for local improvement in the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was recommitted the Assembly bill entitled "An act to authorize the board of education of the city of Brooklyn to establish a home or school of reform for truant children, and to transfer the truant home of the city of Brooklyn to the care and custody of the said board of education," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An an act to provide for payment for the use and occupation of the rooms occupied by the several courts, provided for by chapter 329 of the Laws of 1874, entitled 'An act to re-enact and amend an act entitled An act to provide for the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York,' passed May 23, 1873," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to revise the charter of the city of Buffalo, passed April 28, 1870,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to repeal section 2, chapter 487 of the Laws of 1875, entitled 'An act to alter the commissioners' map of the city of Brooklyn, and for other purposes,' passed June 5, 1875," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend titles 6 and 9 of an act entitled 'An act to revise the charter of the city of Buffalo,' passed April 28, 1870," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend 'An act to revise the charter of the city of Buffalo,' passed April 20, 1870," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend 'An act to amend

the charter of the city of Brooklyn, and the various amendments thereof,' passed June 28, 1873, which act was amended by chapter 589 of the Laws of 1874, and chapter 633 of the Laws of 1875, and to further amend the charter of the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to authorize the mayor and common council of the city of Buffalo to make an appropriation to reimburse claimants for advances made to construct building for Taylor Hose Company No. 1 of Buffalo," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was recommitted the Assembly bill entitled "An act to further amend chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Prince moved that said bill, as amended, be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to provide chambers for the judges of the criminal courts of record in the city and county of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Wagner asked and obtained leave to introduce a bill entitled "An act to amend chapter 326 of the Laws of 1829, entitled 'An act to incorporate the village of Canajoharie, in the county of Montgomery,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend the charter of the village of Edgewater," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Carpenter moved that said bill be reprinted.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act in relation to the Compost Transportation Company."

"An act to amend chapter 863 of the Laws of 1873, entitled 'An act to amend the charter of the city of Brooklyn, and the various amendments thereof.'"

"An act to further amend chapter 150 of the Laws of 1872, entitled 'An act to incorporate the city of Kingston.'"

"An act in relation to life and fire insurance companies, associations or partnerships incorporated by or organized under the laws of any other State of the United States or foreign government doing business in the State of New York."

"Concurrent resolution relative to the abolition of tolls or in the imposition of a nominal rate of tolls on certain articles and commodities."

The bill entitled "An act to amend chapter 863 of the Laws of 1873, entitled 'An act to amend the charter of the city of Brooklyn, and the various amendments thereof,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Schoonmaker
Bradley	Gerard	Morrissey	Starbuck
Cole	Jacobs	Prince	Tobey
Coleman	Kennaday	Robertson	Wagner
Doolittle	Loomis	St. John	Wagstaff
			20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Doolittle asked and obtained leave to change his vote upon the concurrent resolution, relative to the abolition of tolls or in the imposition of a nominal rate of tolls on certain articles and commodities, and that he be recorded in the journal as voting in the affirmative.

Mr. Doolittle moved to take from the table the motion to reconsider the vote by which the bill entitled "An act to authorize steam surface railroad companies to charge and collect an excess of ten cents where fare is paid in the cars," was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to reconsider the vote by which said bill was lost.

Pending which,

On motion of Mr. Bixby, the Senate took a recess until half-past seven o'clock, P. M.

HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

The President announced the pending question to be upon reconsidering the vote by which the bill entitled "An act to authorize steam surface railroad companies to charge and collect an excess of ten cents where fare is paid in the cars," was lost.

The President put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

Mr. Doolittle moved that said bill be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Cole, and by unanimous consent, the following entitled Assembly bills were ordered considered in first committee of the whole.

"An act re-appropriating moneys for the re-construction of the Oneida Lake canal."

"An act making an appropriation to pay certain awards made by the Canal Appraisers, and to pay counsel employed on behalf of the State."

"An act making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canals for the fiscal year commencing on the 1st day of October, 1877."

On motion of Mr. Coleman, and by unanimous consent, the bill entitled "An act to amend chapter 651 of the Laws of 1870, entitled 'An act to provide for the election of a receiver of taxes and assessments for the town and village of Lansingburgh, in the county of Rensselaer,'" was ordered considered in first committee of the whole, not full.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canals for the fiscal year commencing on the 1st day of October, 1877."

Assembly, "An act re-appropriating moneys for the reconstruction of the Oneida Lake canal."

Assembly, "An act making an appropriation to pay certain awards made by the Canal Appraisers, and to pay counsel employed on behalf of the State; also, re-appropriating money to pay certificates of indebtedness outstanding."

After some time spent therein, the President resumed the chair, and Mr. Loomis, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Loomis, from the same committee, reported progress on the second named bill, and asked and obtained leave to sit again.

Mr. Loomis, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered to a third reading.

On motion of Mr. Schoonmaker, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act in relation to assignments of estates of debtors for the benefit of creditors," was ordered considered in first committee of the whole.

Mr. Starbuck moved that the bill entitled "An act for the protection of dairymen, and to prevent deception and secure fair dealing in sales of butter and cheese," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Wellman moved to reconsider the vote by which the adverse report of the committee on miscellaneous corporations, upon the bill entitled "An act to amend chapter 330 of the Laws of 1865, entitled 'An act to incorporate the Butchers' Hide and Melting Association of the city of New York,'" was agreed to.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Wellman moved to disagree with said report, and that said bill be committed to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Jacobs, the Senate adjourned.

## FRIDAY, MAY 4, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act in relation to the salaries, fees, per centages and allowances of the officers of the city of Brooklyn," reported in favor of the passage of the same, with amendments (Mr. Jacobs, dissenting), and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act in relation to the government of the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was recommended the Assembly bill entitled "An act to amend an act to amend the charter of the city of Brooklyn, and the various amendments thereof, passed June 28, 1873, and to further amend the charter of the city of Brooklyn, as amended by an act for that purpose passed June 1, 1874, and as further amended by an act for that purpose entitled 'An act to amend the charter of the city of Brooklyn,' being the act for that purpose, passed June 28, 1873, and the act for that purpose passed June 1, 1874, passed June 21, 1875," and as further amended by an act for that purpose entitled "An act to amend section 23, title 2, of the amended charter of the city of Brooklyn, passed June 28, 1873," passed May 15, 1876," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act in relation to the government of the city of Brooklyn," reported in favor of the passage of the same (Mr. Jacobs, dissenting), and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to further amend an act entitled 'An act to incorporate the Masonic Hall Association in the western district of the city of Brooklyn,' passed April 20, 1866, as amended by an act entitled 'An act to amend an act entitled An act to incorporate the Masonic Hall Association in the western district of the city of Brooklyn,' passed April 20, 1866, passed April 28, 1870," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend chapter 446 of the Laws of 1874, entitled 'An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylums for their treatment and safe keeping, and the duties of the State Commissioner in Lunacy,'" reported in favor of the passage of the



same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the clerk of the surrogate's court of the county of New York to sign any of the records of said court, and to sign and issue any order to show cause when no injunction or stay of proceedings is granted thereby," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend chapter 326 of the Laws of 1829, entitled 'An act to incorporate the village of Canajoharie, in the county of Montgomery,'" reported in favor of the passage of the same.

On motion of Mr. Wagner, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

The Assembly sent for concurrence the bill entitled as follows:

"An act to amend chapter 190 of the Laws of 1877, entitled 'An act to authorize the payment of certain moneys out of the State treasury to the heirs-at-law of Maria Brummayer, deceased,' passed April 28, 1877," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

The Assembly returned the concurrent resolution relative to the reduction of canal tolls, with a message that they non-concur in the amendment of the Senate thereto, and request a committee of conference thereon, and have appointed a committee on their part consisting of Messrs. Alvord, Sheldon, Gallagher, Spinola and Rice.

Mr. Doolittle moved that the Senate recede from the amendment made to said resolution.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Cole	Kennaday	Prince	Selkreg
Coleman	Lamont	Robertson	Wagner
Doolittle	Loomis	Sayre	Wellman
Emerson	McCarthy	Schoonmaker	Woodin
Jacobs	Morrissey		

18

*Ordered.* That the Clerk return said resolution to the Assembly, with a message informing that the Senate have receded from their amendment.

A message from the Assembly was received and read, as follows:

#### IN ASSEMBLY, May 3, 1877.

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act to amend chapter 443 of the Laws of 1876, entitled 'An act supplemental to the act entitled An act to revise the charter of the city of Syracuse,' passed March 3, 1857, and the acts amendatory thereto."

The vote upon the final passage of said bill having been reconsidered, On motion of Mr. Alvord, and by unanimous consent, the same was amended as follows:

Amend section 2 in said bill by striking out section 12, mentioned in said section, and inserting in lieu thereof, the following as sections 12 and 13.

§ 12. Any person who shall redeem any property sold for taxes in said

city, shall pay interest on any amount required for such redemption, at the rate of twelve per cent per annum.

§ 18. The acts of the common council of the city of Syracuse, in relation to the repavement of Salina street, as authorized by law, are hereby ratified and confirmed.

And as amended passed, and ordered sent to the Senate for concurrence.

By order,

EDWARD M. JOHNSON, *Clerk*.

The President put the question whether the Senate would agree to reconsider the vote by which said bill was passed, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bradley	Hammond	Morrissey	Starbuck	
Carpenter	Jacobs	Prince	Vedder	
Cole	Kennaday	Robertson	Wagner	
Coleman	Lamont	Sayre	Wellman	
Doolittle	Loomis	Schoonmaker	Woodin	
Emerson	McCarthy	Selkreg		23

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bradley	Hammond	Morrissey	Selkreg	
Carpenter	Jacobs	Prince	Starbuck	
Cole	Kennaday	Robertson	Wagner	
Coleman	Lamont	Sayre	Wellman	
Doolittle	Loomis	Schoonmaker	Woodin	
Emerson	McCarthy			22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, as amended.

Mr. Jacobs introduced a bill entitled "An act in relation to the payment of taxes and assessments in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

Mr. Prince, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to amend chapter 374 of the Laws of 1866, entitled 'An act to amend chapter 356 of the Laws of 1837, entitled An act for the appointment of a harbor master for the port of Albany,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly bill entitled "An act to create a police pension fund for disabled and retired policemen in the city of Brooklyn," having been announced for a third reading,

Mr. Jacobs moved that said bill be recommitted to the committee on the affairs of cities, with instructions to amend as follows:

Section 3, subdivision 2, line 1, strike out the word "five," and insert the word "ten." Same section, subdivision 6, line 3, strike out all after the words "to be," down to and including the words "lost time," in line 5, and insert in lieu thereof "paid annually by the comptroller of the city

of Brooklyn to the treasurer of the board of trustees of the police pension fund, from moneys deducted for the pay of members and attaches of said force on account of lost time."

Section 5, lines 4 and 5, strike out the words "and with the consent of the board of police and excise." Same section, line 9, strike out all after the word "provided," down to and including the words "half pay," in line 14, and insert the words "however, that no pension granted under the provisions of this act shall exceed the sum of \$1,000 per annum."

Section 8, line 3, strike out the words "service in the municipal force."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Jacobs, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to create a police pension fund for disabled and retired policemen in the city of Brooklyn," reported that they have made the amendments thereto as instructed, and report the same to the Senate.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	St. John
Bradley	Harris	Moore	Sayre
Carpenter	Jacobs	Morrissey	Wagner
Cole	Kennaday	Prince	Wagstaff
Coleman	Loomis	Robertson	Wellman
Doolittle			

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to incorporate Crystal Hose Company No. 1 of the city of Binghamton, New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Selkreg
Carpenter	Gerard	Moore	Wagner
Cole	Kennaday	Morrissey	Wagstaff
Coleman	Lamont	Sayre	Wellman
Doolittle	Loomis		

18

#### FOR THE NEGATIVE.

Bradley	Prince	St. John	Starbuck
---------	--------	----------	----------

4

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Doolittle moved to take from the table the bill entitled "An act to authorize steam surface railroad companies to charge and collect an excess of ten cents where fare is paid in the cars."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Lamont	Sayre
Bradley	Gerard	Loomis	Sprague
Cole	Hammond	McCarthy	Wagstaff
Coleman	Kennaday	Robertson	Wellman
Doolittle			

17

## FOR THE NEGATIVE.

Carpenter	St. John	Selkreg	Vedder
Morrissey	Schoonmaker	Starbuck	Wagner
Prince			

9

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 376 of the Laws of 1829, entitled 'An act to incorporate the village of Canajoharie, in the county of Montgomery,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Schoonmaker
Bradley	Harris	Morrissey	Selkreg
Carpenter	Kennaday	Prince	Sprague
Cole	Lamont	Robertson	Vedder
Coleman	Loomis	St. John	Wagner
Doolittle	McCarthy	Sayre	Wagstaff

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend chapter 766 of the Laws of 1868, entitled 'An act to empower Ulster Lodge No. 59, of the Independent Order of Odd Fellows of the State of New York, in the village of Saugerties and county of Ulster, to hold and convey real and personal estate, and constitute the same a corporation,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Harris	Morrissey	Starbuck
Bradley	Kennaday	Robertson	Vedder
Coleman	Loomis	Schoonmaker	Wagner
Doolittle	McCarthy	Selkreg	Wagstaff
Emerson	Moore	Sprague	Wellman
Gerard			

27

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act in relation to the Compost Transportation Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bixby	Hammond	Morrissey	Schoonmaker
Bradley	Harris	Prince	Starbuck
Carpenter	Kennaday	Robertson	Wagner
Cole	Loomis	St. John	Wagstaff
Coleman	McCarthy	Sayre	Wellman
Gerard	Moore		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to provide for perfecting and perpetuating the right and title of the city of New York to property, water, water-rights and privileges heretofore taken or used, or which may be hereafter taken or used by said city to increase the supply of pure and wholesome water for the use of said city, and to provide for the payment and extinguishment of all claims or damages growing out of such taking or using," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Gerard	Morrissey	Sprague
Carpenter	Harris	Robertson	Starbuck
Cole	Jacobs	Sayre	Wagner
Coleman	Loomis	Schoonmaker	Wagstaff
Doolittle	McCarthy	Selkreg	Wellman
Emerson			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The bill entitled "An act further to amend chapter 366 of the Laws of 1859, entitled 'An act to establish an insurance department,'" was read a third time.

On motion of Mr. Schoonmaker, and by unanimous consent, said bill was amended as follows :

Strike out in lines 52 and 53, printed bill, the words "or the person or persons so appointed by him."

On motion of Mr. Harris, and by unanimous consent, said bill was amended as follows :

Line 12, after the word "him," insert the words "except as hereinafter provided." Line 24, strike out the word "this," and insert the word "said." Line 23, strike out the word "am," and insert the word "any." Line 34, strike out the word "or," and insert the word "in." Line 49,

strike out the word "officers," and insert the word "affairs." Line 54, strike out the word "their," and insert the word "his." Line 53, strike out the words "for such purpose."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Prince	Starbuck
Bradley	Harris	Robertson	Tobey
Coleman	McCarthy	St. John	Wagner
Doolittle	Moore	Schoonmaker	Wagstaff
Emerson	Morrissey	Sprague	Wellman

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to further amend chapter 137 of the Laws of 1842, entitled 'An act in relation to common schools in the city of Utica,' and chapter 66 of the Laws of 1850, entitled 'An act in relation to common schools in the city of Utica,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	St. John	Starbuck
Bradley	Lamont	Sayre	Vedder
Carpenter	Loomis	Schoonmaker	Wagner
Coleman	McCarthy	Selkreg	Wagstaff
Doolittle	Moore	Sprague	Wellman
Emerson	Robertson		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly returned the bill entitled "An act supplemental to chapter 335 of the Laws of 1873, entitled 'An act to re-organize the local government of the city of New York,'" with a message that they had concurred in the passage of the same, with the following amendments:

Strike out all after the enacting clause, and insert in lieu thereof the following:

SECTION 1. The mayor of the city of New York, hereafter elected, shall, except as herein otherwise provided, hold office for a period of two years. The mayor first elected under the provisions of this act shall enter upon the duties of his office on the 1st day of January, 1879, and shall hold office until the 1st day of May, 1880, unless sooner removed as provided by law.

§ 2. The board of aldermen constituting the common council of said city, elected at the elections in this act provided for, shall hold office for a term of two years. Of the six persons elected aldermen at large, one of them shall be voted for and designated on the ballots cast at such elec-

tion, to be "president of the board of aldermen," and the alderman so elected president shall hold his office as such during his term or until a vacancy in the office of mayor, occurring during said term.

§ 3. There shall be held on the first Tuesday in the month of April, 1878, and on the first Tuesday in April every second year thereafter, an election in said city, at which shall be elected a mayor and a board of aldermen as now provided by law. The officers so elected shall enter upon the duties of their respective offices on the first day of May following the day of such election, except in the case of the mayor first elected. The term of office of the aldermen elected in November, 1877, shall cease and determine at noon on the 1st day of May, 1878.

§ 4. Whenever the president of the board of aldermen becomes acting mayor of said city, in case of a vacancy in the office of mayor, he shall continue to act as mayor until the first day of May succeeding the next election at which a mayor can be chosen; and a temporary president may be elected by the aldermen from among their own number, to hold office until the first day of May succeeding the next election at which a president can be chosen.

§ 5. Any vacancy which may occur in the board of aldermen, by reason of the death or resignation of a member of said board, or otherwise, shall be filled by election of the board by a majority of all the members elected thereto, and the person so elected to fill such vacancy shall serve until the first day of May succeeding the next election at which a board of aldermen is to be elected.

§ 6. The president of the board of aldermen shall receive an annual salary of \$3,000, and the members of said board, other than the president, shall each receive a salary of \$2,000. The aggregate amount of salaries for the clerk, assistants and officers of said board, shall not, in any one year, exceed \$12,000.

§ 7. All heads of departments and the chamberlain in said city shall hereafter be appointed by the mayor, without confirmation by the board of aldermen.

§ 8. The heads of departments and the chamberlain may be removed for cause as now provided by law. The cause assigned must be for malfeasance, inefficiency or dereliction of duty in office, and the particulars of the offense must be set forth in written charges, a copy of which shall be served upon the person so charged, and an opportunity given him to be heard in his defense before removal shall be made.

§ 9. The head of the department of public parks in said city shall hereafter be an officer called the "commissioner of parks," who shall be appointed by the mayor within ten days after the passage of this act, shall hold office for a term of four years, and shall receive a salary of \$5,000 per annum. The officers of the present commissioner of the department of public parks shall cease and determine immediately upon the appointment of such commissioner of parks, and the officers of all the officers and employes of said department shall cease and determine in ten days thereafter.

§ 10. The department of public parks shall have charge of the construction and maintenance, and shall control and manage all the public squares, parks and places in said city, and the sidewalks immediately adjoining any of said public parks, squares and places.

§ 11. The powers and duties heretofore conferred upon and now possessed by the department of public parks, or the commissioners of the department of public parks, not by this act continued in said depart-

ment, shall, except as herein otherwise provided, be possessed and performed by the department of public works, and all property, plans, contracts, documents and papers in the possession of said department of public parks, not relating to the powers and duties by this act continued in said department, or to the powers and duties conferred upon the board of street openings and improvement, shall be delivered over by the commissioner of parks to the commissioner of public works.

§ 12. No plans for laying out or monumenting that portion of the city lying north of the southerly line of One Hundred and Twenty-fifth street, including the twenty-third and twenty-fourth wards, shall take effect until approved of by the board of street opening and improvement in said city, and no plan of any works relating to the improvement of the Harlem river, or of any bridge over, or any tunnel under, said river, shall be acted upon, nor shall any work be proceeded with, in accordance with such plans, until the same are approved of by said board. The board of street opening and improvements in said city, shall, in addition to the powers now conferred by law upon said board, have exclusive power to acquire title to any of the streets, roads, avenues and public places in said city.

§ 13. The department of public works in said city shall have cognizance and control:

1. Of the Croton water system of the city, its structures and property, and of the digging and the construction of wells.

2. Of all the sewerage and drainage of the said city, and of all works of construction and maintenance, and regulating, grading, curbing, guttering, flagging, paving, repaving and repairing of streets, roads and avenues in the city, not including any of such works within the limits of any public park, square or place, or the sidewalks immediately adjoining any park, square or place.

3. Of the supervision of the lighting of streets, roads, avenues, squares, parks and places.

4. Of the construction, maintenance and care of all bridges over the Harlem river, or of any tunnel or tunnels beneath said river.

5. Of filling of sunken lots, and of street vaults and openings in sidewalks.

6. Of the construction, erection, maintenance and care of all buildings now belonging to, or hereafter to be erected for, said city, except the care and maintenance of buildings under the control and occupied for the use of the police department, fire department, department of charities and correction and the board of education.

7. Of the wharf and dock property of the city, including all piers, slips and bulk-heads, and shall account for and pay over all costs.

§ 14. There shall be three bureaus in said department of public works:

1. A bureau having charge of the erection and construction and the care of all structures and property connected with the supply and distribution of Croton water, the laying of water pipes, the collection of water rents, penalties, fines, the construction and maintenance of wells and hydrants, the filling of sunken lots, the regulating street vaults and openings in sidewalks, the construction and maintenance of bridges over, and tunnels under the Harlem river, the supervision of the lighting of the streets, roads, avenues, squares, parks and public places, the construction, reconstruction, repair and maintenance of sewers and drains, the construction and maintenance, and regulating and grading, curbing, gut



tering, flagging, paving and repaving the streets, roads, avenues and places of the city, not including any of such works within any park or place, or in or on the sidewalks of any street, road or avenue, immediately adjoining any park or place, the chief officer of which shall be called the "city engineer," who shall be a civil engineer of at least ten years' experience.

2. A bureau having charge of the erection, construction, maintenance and care of all buildings now belonging to, or hereafter to be erected for, said city, except the care and maintenance of buildings under the control and occupied for the use of the police department, fire department, department of charities and correction, and the board of education, in said city, the chief officer of which shall be called the superintendent of construction and repairs of buildings, who must be an architect or practical builder of at least ten years' standing.

3. A bureau of docks having charge, subject to the direction and control of the commissioner of public works, of the wharf and dock property belonging to the city, including all the wharves, piers, bulk-heads and structures thereon, and waters adjacent thereto, and all the slips, basins, docks, water fronts, land under water and structures thereon, and the appurtenances, easements, uses, reversions and rights belonging thereto, which are now possessed by the said city, or to which said city is or may become entitled, or may acquire; and also the charge and control of the repairing, building, rebuilding, maintaining, altering, strengthening and protecting said property, and of the cleaning, dredging and deepening necessary in and about the same; and also the supervision and enforcement of the government and regulation of all wharves, piers, bulk-heads and structures thereon, and waters adjacent thereto, and all the basins, slips and docks, with the land under water in said city, not owned by said city, the chief officer of which shall be called the "engineer of docks," who shall be a practical engineer of at least ten years' experience. Nothing in this act contained shall be construed, or is intended to confer any powers upon the commissioner of public works, or any bureau or subordinate thereof, not now possessed by the department of docks.

§ 15. Ten days after the passage of this act the offices of the commissioners of docks in said city, and of all officers and employes of the department of docks in said city, shall cease and terminate.

§ 16. The offices of the commissioners heretofore appointed for the erection and completion of the county buildings in the city and county of New York, known as the new county-court house, shall cease and terminate ten days after the passage of this act, and all property and documents in the possession of said commissioners shall be delivered by them to said commissioners of public works, who shall thereafter possess with reference to said buildings all the powers now possessed by said commissioners.

§ 17. No street, road or avenue in said city shall be paved until a period of at least six months after the sewer through said street has been constructed and the water mains through the street have been laid, unless the owners of a majority of the feet front of property in any street, road or avenue shall petition for the paving of such street, road or avenue, or unless the commissioner of public works shall certify that it is necessary for the convenience of the public travel that the same be paved prior to the construction of the same and laying of the water mains therein, and no opening in any pavement when laid shall be made by any person or

corporation or on any authority, except on a permit from the commissioner of public works. In every case the pavement interfered with, on the permit granted as herein provided, shall be restored under the supervision of the city engineer to the satisfaction of the commissioner of public works, and when the permit is in favor of any person or corporation other than the city officials, unless such restoration is made by such person or corporation, after due notice from the commissioner of public works, it shall be the duty of said commissioner to execute such work so as to restore said pavement, and the expense of such work shall be paid out of the proceeds of assessment bonds of said city; and upon the completion of any such work, said commissioner of public work shall certify to the comptroller of said city the amount of such expense, and such amount, so certified, shall be a lien on the property of such person or corporation for the benefit of whom such pavement was interfered with, and which lien shall be enforced against such property in the same manner as a lien for taxes and assessments in said city is now enforced.

§ 18. There shall be in said department of finance a bureau for the collection of taxes and assessments, the chief officer of which shall be called the "receiver of taxes and assessments," and who shall perform the duties heretofore performed by the receiver of taxes, the collector of assessments, the deputy collector of assessments. The bond of the said receiver of taxes and assessments shall cover and include the faithful performance of the duties by this act conferred upon and required of the said officer, and shall be in amount to be fixed by the comptroller not less than the security now required to be given by the receiver of taxes and the collector of assessments; and it shall be the duty of the comptroller to make such regulations as may from time to time be by him considered necessary and proper to facilitate the collection of said taxes and assessments.

§ 19. The bureau of licenses in the department of finance is hereby abolished.

§ 20. The head of the department of public charities and correction in said city shall hereafter be two officers, called "the commissioners of public charities and correction." The commissioner who was president of said department on the first day of March, 1877, and the other commissioner who has the shortest term to serve, shall be commissioners of public charities and correction until the expiration of their respective terms of office, or until a vacancy in either of said offices occurs in the manner now provided by law. The commissioners hereafter appointed shall hold office for a term of four years, and the salary of such commissioner shall be \$5,000 per annum. The office of the commissioner of public charities and correction, other than said president and the commissioner having the shortest term to serve, as aforesaid, shall cease and terminate on the passage of this act.

§ 21. The fire department of said city shall hereafter have for its head a commissioner, to be known as the "fire commissioner of the city of New York." The commissioner who was president of the said department on the first day of March, 1877, shall be the head of the department until the expiration of his present term of office, or until a vacancy occurs in said office in the manner now provided by law. The commissioner hereafter appointed shall hold office for a term of five years, and the salary of said commissioner shall be \$5,000 per annum. The offices of the present fire commissioners of the city of New York, other than said president, shall cease and terminate on the passage of this act.

§ 22. The fire department in said city, in addition to the powers heretofore conferred upon the department, shall be possessed of and perform the duties of the present department of buildings of said city. Ten days after the passage of this act, the office of the head of the department of buildings of said city, and of all officers and employes of said department, shall cease and terminate, and all property, documents and papers in the possession of said department of buildings, shall be delivered by the superintendent of buildings to the commissioners of the fire department.

§ 23. There shall be three bureaus in said fire department:

1. A bureau charged with the duty of preventing and extinguishing fire, and of protecting property from water used in fires, the chief officer of which shall be called the "chief of department."

2. A bureau charged with the execution of all laws relating to the storage, sale and use of combustible materials, and investigating the cause of fires, the chief officer of which shall be called the "fire marshal."

3. A bureau charged with the execution of all laws relating to buildings in the city of New York, the chief officer of which shall be called the "superintendent of buildings."

§ 24. All proceedings relating to the enforcement of the building laws in said city shall be commenced and prosecuted in the name of the mayor, aldermen and commonalty of the city, and it shall be the duty of the counsel to the corporation to institute and prosecute such proceedings when instructed to do so by the head of the fire department or the superintendent of buildings.

§ 25. The head of the police department of said city shall hereafter consist of a board of police composed of two persons, to be known as police commissioners of the city of New York. The said board shall continue to be non-partisan; one of said police commissioners shall be of one political party, and one of the other political party opposed to each other in State issues. The commissioners who were respectively president and treasurer of said board on the first day of March, 1877, shall continue to be such commissioners until the expiration of their respective terms of office. The offices of the commissioners of police, other than the said president and treasurer, shall cease and determine after the passage of this act.

§ 26. Within ten days after the passage of this act, the mayor shall appoint a commissioner of excise, who shall thereafter possess all the powers, and perform all the duties now possessed by the board of commissioners of excise in said city. Said commissioner of excise shall hold his office for three years, and shall receive an annual salary of \$3,000. The entire expenses to be incurred by said commissioner beyond his own salary, shall not in any one year exceed the sum of \$20,000. The terms of office of the present commissioners of excise and of their subordinates and employes shall cease and determine immediately upon the appointment of the commissioner of excise. The provisions of this act, as to appointment and removal, shall be applicable to commissioners of excise.

§ 27. The mayor shall be authorized to fill any vacancy that may occur in any office to which he is herein authorized to appoint, by an appointment for the unexpired term. Within ten days prior to the expiration of the terms of office of any officer, he is so herein authorized to appoint, he shall appoint a successor to such officer, who shall take office at the expiration of such term of office.

§ 28. Any personal property in the possession or under the care of any department, board or officers, as aforesaid, and not required for the purposes administered by such department, board or officer may, with the approval of the mayor, be transferred to any other department, board or officer requiring the same in the administration of the purposes of such departments, board or officers.

§ 29. The counsel of the corporation shall, in virtue of his office, be public administrator of the city of New York, and shall be possessed of the powers and shall perform the duties now exercised or performed by said public administrator. Ten days after the passage of this act the office of the present public administrator shall cease and terminate, and all property, papers and documents in possession of such public administrator, shall be delivered over by him to the said counsel to the corporation.

§ 30. It shall be the duty of the clerks and assistants in the office of the clerk of the city and county of New York, in conjunction with the clerical force of the board of aldermen, to render such services and perform such duties as may be required by the board of aldermen, sitting as a board of county canvassers, in canvassing the votes cast at any election in said city and county, and no expense shall be incurred by said board of aldermen for assistance in the execution and performance of the duties of said board, acting as a board of county canvassers.

§ 31. The board of estimate and apportionment of said city is hereby required at any time before the first day of July next, by the concurrent vote of all the members of said board, to reconsider, revise and redetermine the final estimate of the appropriations for the various purposes of the government of said city, and a charge upon said city for the year 1877, and the estimate so considered, revised and redetermined and approved by the concurrent vote of the members of said board shall thereby become appropriated as the amount of money required to defray all the various expenses necessary for conducting the public business in said city a charge upon the city; and also for paying the interest upon the city debt and the principal of such debt falling due, and providing for charitable and other objects, and said amounts shall be established and be the amount to be raised for such purposes by tax within the city and county of New York for the year 1877, and the amount thus established, after deducting the amount of the general fund, shall be certified to the board of aldermen by the comptroller, and said board is hereby empowered and directed to cause the amount so certified to be raised and collected in the year 1877, by tax upon the estates, real and personal, within said city and county, subject to taxation.

§ 32. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 33. This act shall take effect immediately, except as otherwise provided.

Mr. Woodin moved that said bill be laid upon the table, and that the same, as amended in the Assembly, be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A message was received from the Governor in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, May 4, 1877.

*To the Senate:*

I return without approval Senate bill No. 208, entitled "An act to amend chapter 605 of the Laws of 1875, entitled 'An act in relation to

the county treasurers of the counties of Monroe and Seneca.'” It is, and for a long time has been, a gross wrong that the money paid by taxpayers for State purposes is not permitted to reach the State treasury until many months after its payment. It is stopped on the way and loaned, or used for commercial purposes, by the county treasurers, or by the banks in which they deposit it. Frequent losses and defalcations occur by reason of such misuse of the money.

The law which this bill proposes to amend was an effort to remedy the evil and to secure the payment into the treasury of the taxes as soon after their collection as practicable. As originally introduced into the Legislature it applied to the whole State, but before its passage, all the counties, except Monroe and Seneca, were exempted from its operation. These two counties remain subject to its provisions, and the treasurers are required at stated intervals to pay over to the banks designated by the boards of supervisors all the moneys received by them, designating the amounts belonging to the State, which amounts are subject to immediate draft by the Comptroller and State Treasurer.

This bill exempts the banks from the liability to immediate payment, and authorizes them to keep the money until the middle of April and first of May, which will usually be a period of from two to four months from the time of its receipt. The banks give no security to the State. The bond given by the county treasurer to the State, if any is given, is fully complied with by his payment of the money to the banks in accordance with the law. The effect, therefore, of this bill, will be to place the money of the people in the banks, to be used by them without interest and without security, for the period above mentioned, and in the event of the failure of the banks the money would be lost.

The people should not be compelled to furnish capital for banking purposes, and run the risk of its loss besides. Taxes are levied for the benefit of the State, not of private corporations. Any relief the Legislature can extend in the matter of their collection is more needed by the taxpayers than the banks.

L. ROBINSON.

Mr. Emerson moved that said message be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A message was received from the Governor in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, May 4, 1877.

*To the Senate :*

I return without approval Senate bill No. 188, entitled “An act to amend chapter 654 of the Laws of 1869, entitled ‘An act authorizing the construction of a railroad through certain streets in the city of Poughkeepsie, and through certain streets and roads in the town of Poughkeepsie, in the county of Dutchess.’”

The object of this bill is to relieve the railroad company chartered by the act sought to be amended from the obligation to run its cars during the months of December, January, February and March in each year.

Public franchises ought to be given to private corporations only for the public good, and when bestowed strict compliance with their duties to the public should be exacted from those who enjoy their profits. The months named in this bill are those in which the inclemency of the season renders the regular running of a railroad most necessary to public accommodation. If this company can be relieved from public service during

the winter season, any other company is entitled to the same exemption. The bill seems to me contrary to justice and sound policy, and I cannot, therefore, approve it.

L. ROBINSON.

Mr. Carpenter moved that said message be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A message was received from the Governor in the words following :

STATE OF NEW YORK, }  
EXECUTIVE CHAMBER — ALBANY, May 4, 1877. }

*To the Senate :*

I return without approval Senate bill not printed, entitled "An act authorizing and confirming a lease made by Benjamin Lewis and other Seneca Indians to George A. Berry, of the right to transmit crude petroleum oil through a pipe over certain lands on the Allegany reservation, and authorizing said George A. Berry to use such land for that purpose."

I understand that it has been held by the Supreme Court, both at special and general term, that no valid contract can be made with the Indians for the sale or use of their land on the reservation in question, without the assent of the Congress of the United States. Aside from this objection, it is evident that this case is invalid, for the reason that it is made by certain individual Indians, and not by or with the assent of the Seneca Nation to which the lands belong.

I have received from the President of the Seneca Nation of Indians a protest against the approval of this bill, which states the case so truly and fairly, that I present it without abridgment. It is as follows :

" INDIAN RESERVATION, April 21, 1877.

" *To his Excellency* Gov. ROBINSON :

" I notice that a bill has just passed the Legislature, confirming a lease purporting to have been made by Benjamin Lewis and other individual Indians to G. A. Berry, for pipe line purposes. I write to protest against the signing of this bill. As you are aware, the Seneca Nation of Indians has the legal title to the entire reservation, and through its council and chosen officers, is entitled to its control.

" If any parties interested in pipe lines desire to acquire rights on our reservation, they should apply to our council, which has not been done in the case in question. This is the first instance within my knowledge where the Legislature has assumed to disregard the powers and privileges of the constituted authorities of the nation, and attempt to confer them upon individual Indians. If it can be done in one case it can in all. The result may well be that, through bargains with improvident and ignorant Indians, the rights of our nation may be seriously complicated and impaired.

" On behalf of the nation, I respectfully but earnestly protest against such precedent as would be established if the bill in question should become a law. It will be seen that, if an individual Indian can make a lease for pipe line, he can for a railroad, distillery or for any other purpose. The possession of an individual Indian is allowed simply for the purpose of giving him a home, and not for any purpose contemplated by this bill.

" Respectfully yours.

" JOHN JACKETT,

" *President of the Seneca Nation of Indians.*

" T. T. JAMESON, *Clerk Seneca Nation of Indians.*"

The justice and propriety of the statements and remarks made in this protest must be admitted. The good faith of the State is pledged for the protection of the rights of the Seneca Nation of Indians on this reservation, and it must be sacredly observed, whatever may be the inconvenience to individuals.

L. ROBINSON.

Mr. Vedder moved that said message be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the bill entitled "An act to amend chapter 371 of the Laws of 1875, entitled 'An act to conform the charters of all savings banks, or institutions for savings, to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs,'" with a message that they agree to a committee of conference thereon, and appointed a committee on their part consisting of Messrs. McKee, E. Case, Clapp, Rice and Galvin.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to amend chapter 326 of the Laws of 1829, entitled 'An act to incorporate the village of Canajoharie, in the county of Montgomery.'"

The Assembly returned the bill entitled "An act to amend chapter 667 of the Laws of 1870, entitled 'An act to incorporate the Brooklyn Library Building Fund Association of the Eastern District,'" with a message that they had concurred in the passage of the same, with the following amendments:

Insert as section 2 the following:

"§ 2. Section 4 of said act is hereby amended so as to read as follows:

§ 4. It shall be lawful for the trustees to call in and demand from the stockholders respectively, all sums of money by them subscribed, at such times and in such payments or installments as the trustees shall deem proper, under the penalty of forfeiting (such trustees or stockholders so decide) the shares of stock subscribed for, and any and all previous payments made thereon, if payment shall not be made by the stockholders within sixty days after a personal demand or a notice requiring such payment shall have been published for three successive weeks, once in each week, in a newspaper printed in the city of Brooklyn; provided, that after the lapse of said sixty days such subscriber so forfeiting shall in no case be liable for the unpaid assessments or balance."

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Doolittle	Moore	Schoonmaker
Bradley	Emerson	Robertson	Selkreg
Carpenter	Jacobs	St. John	Starbuck
Cole	Lamont	Sayre	Wellman
Coleman	McCarthy		

18

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

Mr. Starbuck moved to take from the table the motion to reconsider the vote by which the bill entitled "An act to amend chapter 326 of the Laws of 1874, entitled 'An act to provide for improvements in and adjoining the first ward of Long Island City,'" was passed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Harris	McCarthy	Schoonmaker
Bradley	Jacobs	Moore	Sprague
Carpenter	Kennaday	Robertson	Wagstaff
Doolittle	Loomis	Sayre	Wellman
Emerson			

17

## FOR THE NEGATIVE.

Prince			
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1

Mr. Starbuck moved that said bill be recommitted to the committee on the affairs of cities, for further consideration.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Bradley	Lamont	St. John	Sprague
Hammond	Loomis	Sayre	Starbuck
Kennaday	McCarthy	Schoonmaker	Vedder

12

## FOR THE NEGATIVE.

Bixby	Emerson	Prince	Wagstaff
Coleman	Gerard	Robertson	Wellman
Doolittle	Harris	Selkreg	

11

When the name of Mr. Woodin was called, he asked to be excused from voting.

The President put the question whether the Senate would grant said request, and it was decided in the affirmative.

Mr. Prince moved to reconsider the vote by which said motion was agreed to, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Robertson	Wagstaff
Doolittle	Harris	Selkreg	Wellman
Emerson	Prince		

10

## FOR THE NEGATIVE.

Bradley	Lamont	St. John	Sprague
Hammond	Loomis	Sayre	Starbuck
Kennaday	McCarthy	Schoonmaker	Vedder

12

Mr. Prince moved to reconsider the vote by which said bill was recommitted to the committee on the affairs of cities.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Robertson	Wagstaff
Doolittle	Harris	Selkreg	Wellman
Emerson	Prince		

10



## FOR THE NEGATIVE.

Bradley	Lamont	St. John	Sprague	12
Hammond	Loomis	Sayre	Starbuck	
Kennaday	McCarthy	Schoonmaker	Vedder	

When the name of Mr. Wagner was called, he asked to be excused from voting.

The President put the question whether the Senate would grant said request, and it was decided in the affirmative.

The Assembly bill entitled "An act authorizing the inhabitants of school district No. 8, in the town of Pike, county of Wyoming, to sell a portion of their school-house site," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Selkreg	20
Bradley	Harris	Morrissey	Vedder	
Cole	Kennaday	Robertson	Wagner	
Doolittle	Lamont	St. John	Wagstaff	
Emerson	Loomis	Schoonmaker	Wellman	

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act to release the interest of the people of the State of New York, in certain real estate in the city of Rochester, to Thomas Knowles," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Kennaday	St. John	Starbuck	22
Bradley	Lamont	Sayre	Vedder	
Cole	Loomis	Schoonmaker	Wagner	
Doolittle	McCarthy	Selkreg	Wagstaff	
Emerson	Morrissey	Sprague	Wellman	
Hammond	Robertson			

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly returned the bill entitled "An act to prevent the making and publication of false and deceptive statements in relation to the business of fire insurance," with the conference report as follows :

*To the Legislature:*

Your committee of conference, to which were referred the matters of difference between the two Houses upon Senate bill No. 289, entitled "An act to prevent the making and publication of false and deceptive statements in relation to the business of fire insurance," which title was amended in the Assembly so as to read "An act to prevent the making and publication of false and deceptive statements in relation to the business of fire, or fire and marine insurance," beg leave respectfully to

report: That they have met and have agreed to recommend that the two Houses shall concur in adopting the title and bill as follows, in lieu thereof, and all action of either House:

AN ACT to prevent the making and publication of false or deceptive statements in relation to the business of fire insurance.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. It shall not be lawful for any company, corporation, association, individual or individuals now transacting, or now or hereafter authorized under any existing or future laws of this State, to transact the business of fire insurance within this State, to state or represent, either by advertisement in any newspaper, magazine or periodical, or by any sign, circular, card, policy of insurance, or certificate of renewal thereof, or otherwise, any funds or assets to be in possession of any such company, corporation, association, individual or individuals, not actually possessed by such company, corporation, association, individual or individuals, and available for the payment of losses by fire, and held for the protection of holders of policies of fire insurance.

§ 2. Every advertisement or public announcement, and every sign, circular or card hereafter made or issued by any company, corporation, association, individual or individuals, or any officer, agent, manager or legal representative thereof, now or hereafter authorized by any existing or future laws of this State, to transact the business of fire insurance within this State, which shall purport to make known the financial standing of any such company, corporation, association, individual or individuals, shall exhibit the capital actually paid in in cash, and the amount of net surplus of assets over all liabilities of such company, corporation, association, individual or individuals, actually available for the payment of losses by fire and held for the protection of holders of their policies of fire insurance, including in such liabilities the fund reserved for reinsurance of outstanding risks, and shall correspond with the verified statement made by the company, corporation, association, individual or individuals, making or issuing the same to the insurance department of this State, next preceding the making or issuing of the same.

§ 3. Nothing in this act shall be construed to prohibit any insurance company or association from publishing in any policy or certificate of renewal thereof a simple item showing the amount of their capital as set forth in their charter, act of incorporation, deed of settlement or articles of association, under which they are authorized to transact the business of insurance,

§ 4. Any violation of any provision of this act shall, for the first offense, subject the company, corporation, association, individual or individuals, guilty of such violation, to a penalty of \$500, to be sued for and recovered in the name of the people, with costs and expenses of such prosecution by the district attorney of any county in which the company, corporation, association, or individual or individuals shall be located, or may transact business, or in any county where said offense may be committed, and such penalty, when recovered, shall be paid into the treasury of such county for the benefit of the poor of said county. Every subsequent violation shall subject the corporation, association or person guilty of such violation to a penalty of not less than \$1,000, which shall be sued for, recovered and disposed of, in like manner as for the first offense.

§ 5. This act shall take effect ninety days after its passage.  
All of which is respectfully submitted.

F. W. TOBEY,  
L. BRADFORD PRINCE,  
ALFRED WAGSTAFF, JR.,  
*Senate Committee.*

JAMES G. GRAHAM,  
ELLIOT C. COWDIN,  
L. C. LANG,  
GEO. W. WEIANT,  
ELBERT FLOYD JONES,  
*Assembly Committee.*

IN ASSEMBLY, *May 3, 1877.*

Conference committee report agreed to.

By order,

EDWARD M. JOHNSON, *Clerk.*

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bradley	Jacobs	St. John	Vedder
Cole	McCarthy	Selkreg	Wagner
Coleman	Moore	Sprague	Wagstaff
Doolittle	Prince	Starbuck	Wellman
Emerson	Robertson	Tobey	Woodin
Hammond			

21

FOR THE NEGATIVE.

Schoonmaker

1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference thereon.

The Assembly bill entitled "An act making an appropriation to pay certain awards made by the Canal Appraisers, and to pay counsel employed on behalf of the State; also re-appropriating money to pay certificates of indebtedness outstanding," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Starbuck
Bradley	Hammond	Moore	Tobey
Cole	Harris	Robertson	Wagner
Coleman	Jacobs	Sayre	Wagstaff
Doolittle	Kennaday	Schoonmaker	Wellman
Emerson	Loomis	Selkreg	

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend 'An act to amend the charter of the city of Brooklyn, and the various amendments thereof, passed June 28, 1873, and to further amend the charter of the city of Brooklyn, as amended by an act passed June 1, 1874, and as further amended by an act for that purpose, entitled An act to amend the charter of the city of Brooklyn, being the act for that purpose passed June

28, 1873, and the act for that purpose, passed June 1, 1874,' passed June 21, 1875, and as further amended by an act for that purpose, entitled 'An act to amend section 23, title 2, of the amended charter of the city of Brooklyn, passed June 28, 1873,' passed May 15, 1876," having been announced for a third reading,

On motion of Mr. Prince, and by unanimous consent, the title of said bill was amended as follows :

"An act further to amend chapter 863 of the Laws of 1873, entitled 'An act to amend the charter of the city of Brooklyn, and the various amendments thereof.' "

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Sprague
Bradley	Jacobs	Prince	Tobey
Carpenter	Kennaday	Robertson	Vedder
Cole	Lamont	St. John	Wagner
Coleman	Loomis	Schoonmaker	Wellman
Doolittle	McCarthy	Selkreg	23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs, and maintenance of the canals, for the fiscal year commencing on the first day of October, 1877," having been announced for a third reading,

On motion of Mr. Wellman, and by unanimous consent, said bill was amended as follows :

Strike out in Genesee Valley canal appropriation the word "thirty," and insert the word "ten."

On motion of Mr. Bradley, and by unanimous consent, said bill was amended as follows :

Section 2, lines 1 and 2, strike out the words "seventy-two thousand eight hundred," and insert the words "eighty-seven thousand two hundred."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Sprague
Bradley	Jacobs	Moore	Starbuck
Cole	Kennaday	Prince	Tobey
Coleman	Lamont	St. John	Wagner
Doolittle	Loomis	Selkreg	Wellman
Emerson			21

#### FOR THE NEGATIVE.

Robertson

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act in relation to the insurance of plate glass," having been announced for a third reading,

Mr. Prince moved that said bill be recommitted to the committee on insurance retaining its place in the order of third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative

Mr. Coleman offered the following :

*Resolved*, That the Clerk of the Senate be and he is hereby directed to have the testimony taken by the committee on banks, in the matter of charges against De Witt C. Ellis, Superintendent of the Bank Department, printed as taken.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same :

"An act to confer upon the trustees of the village of Middletown, in the county of Orange, in this State, power to restrain and regulate the construction of wooden buildings, structures, additions or improvements, and to cause the removal or repair of unsafe walls or chimneys."

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly returned the bills entitled as follows :

"An act to amend chapter 277 of the Laws of 1870, entitled 'An act to amend an act entitled An act to amend an act entitled An act for the benefit of married women in insuring the lives of their husbands,' passed April 14, 1858."

"An act to authorize the commissioners of the town of Diana, in the county of Lewis, appointed under chapter 115 of the Laws of 1868, to issue bonds for the purpose of raising funds with which to pay the bonds of said town."

"An act relative to lands devised by Jesse Browne, deceased."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the resolution requesting the Governor to return to the Senate bill No. 295, authorizing St. Agnes Cemetery of Syracuse to sell and convey real estate," with a message that they had concurred therein.

*Ordered*, That the Clerk deliver said resolution to the Governor.

The Assembly returned the bill entitled "An act to amend chapter 448 of the Laws of 1876, entitled 'An act relating to courts officers of justice and civil proceedings, and to provide for the publication of the act as amended,'" with a message that they agree to a committee of conference thereon, and have appointed a committee on their part consisting of Messrs. Strahan, Husted, Lang, Maynard and Sanders.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That a respectful communication be sent to his Excellency the Governor, asking for the return of Assembly bill No. 995, entitled "An act to authorize the city of Elmira to issue bonds for the payment of certain other bonds maturing during 1877 and 1878."

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Wagstaff moved that when the Senate adjourns to-day, it adjourn to meet on Monday evening at eight o'clock.

The President put the question whether the Senate would agree to aid motion, and it was decided in the negative.

By unanimous consent, Mr. Sprague asked and obtained leave to introduce a bill entitled "An act to provide for the better protection of passengers upon railroads, and to insure the prompt transportation and delivery of freight," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Wagner asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to protect purchasers on sales of real estate of infants by special guardian prior to January 1, 1852, passed May 6, 1872,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to provide a supply of wholesome water to the twenty-fourth ward of the city of New York, and to enable the mayor, aldermen and commonalty of the city of New York to obtain the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The bill entitled "An act in relation to life and fire insurance companies, associations or partnerships incorporated by or organized under the laws of any other State of the United States or foreign government doing business in the State of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Cole	Kennaday	St. John	Starbuck
Coleman	Lamont	Sayre	Vedder
Doolittle	Loomis	Schoonmaker	Wagner
Emerson	McCarthy	Selkreg	Wagstaff
Gerard	Moore	Sprague	Wellman
Jacobs	Robertson		

22

FOR THE AFFIRMATIVE.

Tobey

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Woodin, and by unanimous consent, the rules were suspended, and the Senate in open executive session confirmed the nominations of certain notaries public.

On motion of Mr. Jacobs, the Clerk was directed to return said confirmations to the Governor immediately.

Mr. Jacobs moved that the Senate do now take a recess until 7 o'clock P. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Whereupon the Senate took a recess until 7 o'clock.

## SEVEN O'CLOCK, P. M.

The Senate again met.

On motion of Mr. McCarthy, and by unanimous consent, the rules were suspended and the Assembly bill entitled "An act re-appropriating moneys for the reconstruction of the Oneida Lake canal," was ordered considered in first committee of the whole.

On motion of Mr. Schoonmaker, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act to authorize the clerk to the surrogate's court of the county of New York to sign any of the records of said court, and to sign and issue any order to show cause where no injunction or stay of proceedings is granted thereby," was ordered considered in first committee of the whole.

The Senate then resolved itself into a committee of the whole and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend chapter 651 of the Laws of 1870, entitled 'An act to provide for the election of a receiver of taxes and assessments for the town and village of Lansingburgh, in the county of Rensselaer.'"

Assembly, "An act in relation to assignments of the estates of debtors for the benefit of creditors."

"An act in relation to elections in certain towns of this State."

After some time spent therein, the President resumed the chair, and Mr. Carpenter, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Carpenter, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Carpenter, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to authorize the clerk to the surrogate's court of the county of New York to sign any of the records of said court, and to sign and issue any order to show cause where no injunction or stay of proceedings is granted thereby."

"An act for the protection of dairymen, and to prevent deception and secure fair dealing in sales of butter and cheese."

Assembly, "An act re-appropriating moneys for the reconstruction of the Oneida Lake canal."

After some time spent therein, the President resumed the chair, and Mr. Harris, from said committee, reported in favor of the passage of the first named bill, with amendments, and the title amended so as to read "An act conferring certain powers on the clerk of the surrogates' court of the county of New York," which report was agreed to, and the same ordered to a third reading.

Mr. Harris, from the same committee, reported in favor of the passage of the second named bill, with amendments, and have amended the title by striking therefrom the words "and cheese," which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Harris, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Vedder moved that the bill entitled "An act to prevent fraud in the manufacture and sale of commercial fertilizers," be considered in first committee of the whole.

Mr. Jacobs moved to amend by adding thereto "An act to authorize the trustees of incorporated rural cemeteries to register the lots thereof, and to impose a tax upon the lot owners in said cemeteries in the counties of Kings and Queens."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question upon the motion of Mr. Vedder, as amended, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Assembly sent for concurrence the bills entitled as follows :

"An act in relation to the First Society of the Methodist Episcopal Church in the village of Watkins, Schuyler county, New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act for the relief of William McDonald, for materials supplied for the repairs of certain roads in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend section 53 of chapter 220 of the Laws of 1866, entitled 'An act to amend the charter of the village of Saratoga Springs, and the several acts amendatory thereof,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to provide for the introduction of the 'Stevenson traction system of towage' on the Erie canal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to repeal an act entitled 'An act to widen and improve North Second street, in the city of Brooklyn,' passed April 19, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend chapter 252 of the Laws of 1857, entitled 'An act to incorporate the Genesee Camp Ground Association,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act to amend chapter 330 of the Laws of 1873, entitled 'An act to amend the charter of the village of Deposit, situated partly in the town of Sanford, Broome county, and partly in the town of Tompkins, Delaware county, and to revise and compile the several acts relative to said village,' passed April 29, 1873," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Selkreg, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

"An act authorizing the trustees of the village of Saratoga Springs to make certain expenditures for the purpose of purchasing hose and erecting a fire alarm telegraph," which was read the first time, and by unani-



mous consent was also read the second time, and referred to the committee on the affairs of villages.

On motion of Mr. Coleman, and by unanimous consent, the bill entitled "An act to amend chapter 651 of the Laws of 1870, entitled 'An act to provide for the election of a receiver of taxes and assessments for the town and village of Lansingburgh, in the county of Rensselaer,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Emerson	Morrissey	Starbuck
Bradley	Harris	Robertson	Vedder
Carpenter	Jacobs	St. John	Wagstaff
Coleman	Kennaday	Schoonmaker	Wellman
Doolittle	McCarthy	Selkreg	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Harris, and by unanimous consent, the bill entitled "An act to authorize the State Treasurer and other State officers to publish in the State papers monthly statements of bank balances, and for other purposes," was ordered considered in first committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to make further provision for the payment of further expenses of the local government of the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to repeal an act entitled 'An act to widen and improve North Second street, in the city of Brooklyn,' passed April 19, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, on the bills entitled as follows:

Assembly, "An act to authorize the trustees of incorporated rural cemeteries to register the lots thereof, and to impose a tax upon the lot owners in said cemeteries, in the counties of Kings and Queens."

Assembly, "An act authorizing the State Treasurer and other State officers to publish in the State paper monthly statements of bank balances, and for other purposes."

"An act to prevent fraud in the manufacture and sale of commercial fertilizers."

After some time spent therein, the President resumed the chair, and Mr. Schoonmaker, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Schoonmaker, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Schoonmaker, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Hammond moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to provide for lighting the streets in the village of Perry, in the county of Wyoming, State of New York."

Assembly, "An act to authorize the city of Rochester to acquire the title to land or other property for the use and purposes of water-works, sewers, dumping rubbish and dirt."

Assembly, "An act to further amend the charter of the city of Rochester."

After some time spent therein, the President resumed the chair, and Mr. Doolittle, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows :

"An act to amend chapter 651 of the Laws of 1870, entitled 'An act to provide for the election of a receiver of taxes and assessments for the town and village of Lansingburgh, in the county of Rensselaer,'"

Mr. Selkreg moved that when the Senate adjourns to night, it adjourn to meet on Monday evening at 8 o'clock.

Mr. Woodin moved to amend by striking out the words "Monday evening at eight o'clock," and inserting the words "to-morrow morning at 10 o'clock."

The President put the question upon the amendment of Mr. Woodin, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Bixby	Harris	Robertson	Vedder	
Bradley	Jacobs	St. John	Woodin	
Doolittle	Morrissey	Schoonmaker		11

#### FOR THE NEGATIVE.

Carpenter	Kennaday	Selkreg	Starbuck	
Emerson				5

Pending the question upon the motion of Mr. Selkreg, as amended, Mr. Woodin moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Whereupon the Senate adjourned.

SATURDAY, MAY 5, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Starbuck presented a remonstrance of members of the bar of Lewis county, against the "Code of Remedial Justice" taking effect prior to May, 1878; which was read and referred to the committee on the judiciary.

Mr. Harris presented a remonstrance of members of the bar of Albany county upon the same subject and to the same effect; which was read and referred to the committee on the judiciary.

Mr. Starbuck, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act to prohibit the interment of the dead in the burial ground belonging to the Society of the First Methodist Episcopal Church of the town of Carlton, Orleans county, located at Kuckville, in said town, and to authorize the removal of the dead from said ground," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act for the protection of dairymen, and to prevent deception and secure fair dealing in sales of butter."

"An act to prevent fraud in the manufacture and sale of commercial fertilizers."

The Assembly returned the Assembly bill entitled "An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations," with a message that they had agreed to the report of the committee of conference thereon.

*Ordered*, That the Clerk return said bill to the Assembly.

Mr. Jacobs introduced a bill entitled "An act to fix the term of office of the clerk of the board of supervisors of Kings county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

Mr. Bradley introduced a bill entitled "An act relating to Pipe Line Companies, and supplemental to chapter 611 of the Laws of 1875, entitled 'An act to provide for the organization and regulation of certain business corporations,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to incorporate the New York and Western Pipe Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to provide for the adjustment and payment of a deficiency in the State tax of 1874, arising out of the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York."

Assembly, "An act to authorize the board of education of the city of Brooklyn to establish a home or school of reform for truant children, and to transfer the truant home of the city of Brooklyn to the care and custody of the said board of education."

Assembly, "An act to provide for the enlargement of the school-house site of school district No. 9 of the towns of Ellicott, Ellery and Gerry, in the county of Chautauqua."

After some time spent therein, the President resumed the chair, and Mr. Hammond, from said committee, reported in favor of the passage of the

first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Hammond, from the same committee, reported in favor of the passage of the second named bill, with amendments, and the title amended so as to read, after the words "truant children," "and to authorize the transfer of the truant home," &c., which report was agreed to, and the same ordered to a third reading.

Mr. Hammond, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act to fix the term of office of the clerk of the board of supervisors of Kings county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act to enforce the payment of unpaid taxes, and to authorize the sale of lands for non-payment of the same, in the county of Rockland," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act to provide for the collection of the unpaid assessments for the opening, regulating and grading of Franklin avenue, in the towns of Flatbush and New Utrecht," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act to amend chapter 190 of the Laws of 1877, entitled 'An act to authorize the payment of certain moneys out of the treasury to the heirs-at-law of Maria Brimmayer, deceased, passed April 28, 1877,'" reported in favor of the passage of the same.

On motion of Mr. Harris, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to authorize St. Joseph's Church, in the city of Yonkers, to acquire land and use the same for cemetery or burial purposes."

"An act relating to highways in the town of Eastchester, Westchester county."

"An act to provide chambers for the judges of the criminal courts of record in the city and county of New York."

After some time spent therein, the President resumed the chair, and Mr. Bradley, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to amend chapter 24 of the Laws of 1870, entitled 'An act to amend an act entitled 'An act to amend the charter of the village of Dunkirk, passed April 20, 1867.'"

Assembly, "An act to discontinue the Charlotte turnpike, and to authorize the Charlotte Turnpike Company to maintain a toll-bridge across the Susquehanna river."

Mr. Starbuck presented a remonstrance of members of the bar of Lewis county, against the "Code of Remedial Justice" taking effect prior to May, 1878; which was read and referred to the committee on the judiciary.

Mr. Harris presented a remonstrance of members of the bar of Albany county upon the same subject and to the same effect; which was read and referred to the committee on the judiciary.

Mr. Starbuck, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act to prohibit the interment of the dead in the burial ground belonging to the Society of the First Methodist Episcopal Church of the town of Carlton, Orleans county, located at Kuckville, in said town, and to authorize the removal of the dead from said ground," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act for the protection of dairymen, and to prevent deception and secure fair dealing in sales of butter."

"An act to prevent fraud in the manufacture and sale of commercial fertilizers."

The Assembly returned the Assembly bill entitled "An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations," with a message that they had agreed to the report of the committee of conference thereon.

*Ordered*, That the Clerk return said bill to the Assembly.

Mr. Jacobs introduced a bill entitled "An act to fix the term of office of the clerk of the board of supervisors of Kings county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

Mr. Bradley introduced a bill entitled "An act relating to Pipe Line Companies, and supplemental to chapter 611 of the Laws of 1875, entitled 'An act to provide for the organization and regulation of certain business corporations,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to incorporate the New York and Western Pipe Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to provide for the adjustment and payment of a deficiency in the State tax of 1874, arising out of the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York."

Assembly, "An act to authorize the board of education of the city of Brooklyn to establish a home or school of reform for truant children, and to transfer the truant home of the city of Brooklyn to the care and custody of the said board of education."

Assembly, "An act to provide for the enlargement of the school-house site of school district No. 9 of the towns of Ellicott, Ellery and Gerry, in the county of Chautauqua."

After some time spent therein, the President resumed the chair, and Mr. Hammond, from said committee, reported in favor of the passage of the

first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Hammond, from the same committee, reported in favor of the passage of the second named bill, with amendments, and the title amended so as to read, after the words "truant children," "and to authorize the transfer of the truant home," &c., which report was agreed to, and the same ordered to a third reading.

Mr. Hammond, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act to fix the term of office of the clerk of the board of supervisors of Kings county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act to enforce the payment of unpaid taxes, and to authorize the sale of lands for non-payment of the same, in the county of Rockland," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act to provide for the collection of the unpaid assessments for the opening, regulating and grading of Franklin avenue, in the towns of Flatbush and New Utrecht," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act to amend chapter 190 of the Laws of 1877, entitled 'An act to authorize the payment of certain moneys out of the treasury to the heirs-at-law of Maria Brimmayer, deceased, passed April 28, 1877,' " reported in favor of the passage of the same.

On motion of Mr. Harris, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to authorize St. Joseph's Church, in the city of Yonkers, to acquire land and use the same for cemetery or burial purposes."

"An act relating to highways in the town of Eastchester, Westchester county."

"An act to provide chambers for the judges of the criminal courts of record in the city and county of New York."

After some time spent therein, the President resumed the chair, and Mr. Bradley, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend chapter 24 of the Laws of 1870, entitled 'An act to amend an act entitled 'An act to amend the charter of the village of Dunkirk, passed April 20, 1867.' "

Assembly, "An act to discontinue the Charlotte turnpike, and to authorize the Charlotte Turnpike Company to maintain a toll-bridge across the Susquehanna river."

Assembly, "An act to amend chapter 291 of the Laws of 1870, entitled 'An act for the incorporation of villages.'"

After some time spent therein, the President resumed the chair, and Mr. Bixby, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Starbuck moved that said second named bill be reprinted.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act requiring the superintendents of the poor of the county of Genesee to convey to the board of supervisors of said county the lands and appurtenances known as the poor-house farm, situate in the town of Bethany, in said county."

Assembly, "An act further to amend chapter 807 of the Laws of 1873, entitled 'An act concerning notaries public in the counties of Kings, Queens, Richmond, Westchester and Rockland, and in the city and county of New York, and authorizing them to exercise the functions of their office therein.'"

Assembly, "An act to change the bulk-head and pier lines for Newtown creek, in the port of New York."

After some time spent therein, the President resumed the chair, and Mr. St. John, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered to a third reading.

On motion of Mr. Morrissey, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act to amend chapter 184 of the Laws of 1866, entitled 'An act for the better protection of seamen in the port and harbor of New York,'" was ordered considered in first committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to authorize the sale of lands for the non-payment of taxes, and for the collection of unpaid taxes, in the several towns of the county of Putnam."

Assembly, "An act to amend chapter 482 of the Laws of 1875, entitled 'An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors.'"

Assembly, "An act to amend chapter 184 of the Laws of 1866, entitled 'An act for the better protection of seamen in the port and harbor of New York.'"

After some time spent therein, the President resumed the chair, and Mr. Jacobs, from said committee, reported progress on the first named bill, and asked leave to sit again.

Mr. Jacobs moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Jacobs, from the same committee, reported in favor of the pas-

sage of the second and last named bills, which report was agreed to and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to amend chapter 319 of the Laws of 1848, entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies, and to make it applicable to literary societies.' "

Assembly, "An act to amend section 3 of chapter 564 of the Laws of 1875, entitled 'An act to amend chapter 122 of the Laws of 1851, entitled 'An act for the incorporation of building, mutual, loan and accumulating fund associations,' passed June 9, 1875."

"An act to amend an act entitled 'An act for the incorporation of societies or clubs for certain lawful purposes,' passed May 12, 1875."

After some time spent therein the President resumed the chair, and Mr. Doolittle, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Doolittle, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Starbuck moved that said bill be reprinted.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to repeal section 2 of chapter 487 of the Laws of 1875, entitled 'An act to alter the commissioners' map of the city of Brooklyn, and for other purposes,' passed June 5, 1875."

Assembly, "An act relating to the payment of assessments for local improvements in the city of Brooklyn."

Assembly, "An act to provide for payment for the use and occupation of the rooms occupied by the several courts, provided for by chapter 329 of the Laws of 1874, entitled 'An act to re-enact and amend an act entitled 'An act to provide for the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York,' passed May 23, 1873."

After some time spent therein the President resumed the chair, and Mr. Coleman, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Schoonmaker moved that the Senate do now adjourn until Monday evening at 8 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Whereupon the Senate adjourned.

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## MONDAY, MAY 7, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of Saturday, May 5, was read and approved.



The President presented the following :

NEW YORK HISTORICAL SOCIETY,  
NEW YORK CITY, May 3, 1877. }

*The Honorable the Senate of the State of New York :*

The New York Historical Society have the honor to inform your honorable body that they will hold a meeting at the Academy of Music, in New York city, on the evening of Tuesday next, May 8th, at 8 o'clock, to commemorate the one hundredth anniversary of the adoption of the Constitution of the State, when Charles O'Connor, Esq., will deliver an address on "The Constitution."

The society respectfully invite the presence of your honorable body on this occasion, and await the expression of its pleasure.

FREDERIC DE PEYSTER, *President.*

ANDREW WARNER, *Recording Secretary.*

Which was laid upon the table and ordered printed.

The President presented a communication from the Commissioners of Pilots, in response to a resolution of the Senate, relative to throwing rubbish and garbage in the waters of the port of New York ; which was read and referred to the committee on commerce and navigation.

Mr. Gerard presented a petition and resolutions of the members of the bar of the city of New York, in relation to the Code of Remedial Justice ; which was read and referred to the committee on the judiciary.

Mr. Sprague presented a petition of judges and members of the bar of Erie county, that the Code of Remedial Justice be not repealed ; which was read and referred to the committee on the judiciary.

Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend chapter 760 of the Laws of 1872, entitled 'An act to provide for the improvement of a certain highway in the town of Newtown, Queens county, and the city of Brooklyn, Kings county, and for the payment of property taken for such improvement,' passed May 17, 1872," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release to Miles Perry and his legal representatives the title and interest of the people of the State of New York in certain real estate in the town of Riga and county of Monroe," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Selkreg, from the committee on railroads, to which was referred the bill entitled "An act to amend an act to facilitate the construction of railroads and tram-roads, within the counties of Essex and Clinton, and to authorize the formation of companies therefor," passed April 14, 1865, and to extend the same to all counties of this State, except New York and Kings," reported in favor of the passage of the same, with an amendment to the title, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows :

"An act to authorize St. Joseph's Church, in the city of Yonkers, to acquire land and use the same for cemetery or burial purposes."

"An act relating to highways in the town of Eastchester, Westchester county."

"An act to provide chambers for the judges of the criminal courts o record in the city and county of New York."

"An act to provide for the adjustment and payment of a deficiency in the State tax of 1874, arising out of the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York."

The Assembly sent for concurrence a resolution in the words following :

*Whereas*, The business, commercial and industrial interests of the State and country are suffering because of a want of business confidence,

*And whereas*, It is believed that all laws which impede the ordinary course of justice in the collection of debts, and laws which impair the obligations of contracts, directly or by any indirection, have a demoralizing influence upon the business of the country, and serve as an obstacle to a healthy resumption of business and to the investment of unused capital; and,

*Whereas*, A law which promises a release from future indebtedness tends to promote improvident and reckless obligations, which such a law promotes and stimulates from; therefore,

*Resolved* (if the Senate concur), That it is the sense of the people of this State that the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all acts amendatory thereof and supplementary thereto, should be repealed.

*Resolved*, That our Senators and Representatives in Congress be requested to urge the immediate repeal of the said act.

*Ordered*, That said resolutions be referred to the committee on the judiciary.

Mr. Schoonmaker introduced a bill entitled "An act to amend title 5 of chapter 1 of part 3 of the Revised Statutes, in relation to the jurisdiction of courts of sessions," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

On motion of Mr. Sayre, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act to create a board of assessors in and for the city of Utica," was ordered considered in first committee of the whole.

On motion of Mr. Selkreg, and by unanimous consent, the rules were suspended and the Assembly bill entitled "An act to amend chapter 559 of the Laws of 1874, entitled 'An act to incorporate the Niagara Grand Island Bridge Company,'" was ordered considered in first committee of the whole.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to create a board of assessors in and for the city of Utica."

Assembly, "An act to amend chapter 559 of the Laws of 1874, entitled 'An act to incorporate the Niagara Grand Island Bridge Company.'"

Assembly, "An act to further amend an act entitled 'An act to incorporate the Masonic Hall Association in the western district of the city of Brooklyn,' passed April 20, 1866, as amended by an act entitled 'An act to amend an act entitled An act to incorporate the Masonic Hall

Association in the western district of the city of Brooklyn,' passed April 20, 1886, passed April 28, 1870."

After some time spent therein, the President resumed the chair, and Mr. Coleman, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Coleman, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Jacobs offered the following :

*Whereas*, The people of the State of New York, through their representatives in the Legislature, have repeatedly acknowledged their deep sense of obligation to the soldiers and sailors of the Union army and navy, for the gallantry and devotion with which they defended the integrity of the Union in the late war; and,

*Whereas*, Most of our sister States have made provision for the honorable support of their veterans, who, through misfortune or old age, have become incapacitated for labor; and,

*Whereas*, Official returns from thirty-five (35) of the sixty (60) counties of the State show that there are at present six hundred and forty-one (641) veteran soldiers and sailors of the Union army and navy reduced to want and supported as a public charge in the county poor-houses of the State; and,

*Whereas*, A farm of two hundred and forty (240) acres in the vicinity of Bath, Steuben county, has been purchased to provide a home for these disabled soldiers and sailors, and private subscriptions are in process of collection for the purpose of erecting thereon suitable buildings for their accommodation; therefore, be it

*Resolved*, (if the Assembly concur); That the people of the State of New York, in Legislature assembled, heartily sympathize with the project for the removal from the Empire State of the disgrace attending the presence in the county poor-houses of so many hundreds of her brave defenders, and that it is the sense of this Legislature, if the proposed institution shall be fully completed by private subscriptions at an aggregate cost for land and buildings of not less than one hundred thousand dollars (\$100,000), that the State should make adequate provision for the maintenance of such institution as one of the charities of the State — if transferred to it free of incumbrance — as should provide for the proper support of the worthy disabled soldiers and sailors of the State in this or some similar institution.

On motion of Mr. Jacobs, and by unanimous consent, the rules were suspended, in order to consider said resolution immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Jacobs moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act to repeal an act entitled 'An act to widen and improve North Second street, in the city of Brooklyn,' passed April 19, 1871," and that the same be recommended to the committee on the affairs of cities.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and

proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to amend chapter 374 of the Laws of 1866, entitled 'An act to amend chapter 356 of the Laws of 1837, entitled 'An act for the appointment of a harbor master for the port of Albany.'"

Assembly, "An act to amend section 1 of chapter 177 of the Laws of 1855, entitled 'An act authorizing the construction of a bridge or dam or both, across the creek or portion of Niagara river, which separates Tonawanda, or White's Island, from the main land.'"

Assembly, "An act to amend 'An act to amend the charter of the city of Brooklyn, and the various amendments thereof,' passed June 28, 1873, which act was amended by chapter 589 of the Laws of 1874, and chapter 633 of the Laws of 1875, and to further amend the charter of the city of Brooklyn."

After some time spent therein the President resumed the chair, and Mr. Vedder, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Vedder, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Vedder, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Jacobs moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to enforce the payment of unpaid taxes and to authorize the sale of lands for non-payment of the same in the county of Rockland."

Assembly, "An act to provide for the collection of the unpaid assessments for the opening, regulating and grading of Franklin avenue, in the towns of Flatbush and New Utrecht."

Assembly, "An act to prohibit the interment of the dead in the burial ground belonging to the Society of the First Methodist Episcopal church of the town of Carlton, Orleans county, located at Ruckville, in said town, and to authorize the removal of the dead from said ground."

After some time spent therein, the President resumed the chair, and Mr. Bixby, from said committee, reported progress on the first and last named bills, and asked and obtained leave to sit again.

Mr. Bixby, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered to a third reading.

By unanimous consent, Mr. Gerard asked and obtained leave to introduce a bill entitled "An act to suspend the operation of chapters 448 and 449 of the Laws of 1876, passed June 2, 1876," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Hammond offered the following :

*Resolved* (if the Assembly concur), That a respectful message be sent

to his Excellency the Governor, requesting the return to the Senate of Senate bill No. 143, entitled 'An act to increase the number of firemen in the village of Canandaigua.'"

On motion of Mr. Hammond, and by unanimous consent, the rules were suspended in order to consider said resolution immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolutions to the Assembly and request their concurrence therein.

Mr. Selkreg, from the committee on railroads, to which was referred the bill entitled "An act to provide for the better protection of passengers upon railroads, and insure the prompt transportation and delivery of freights," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The President presented the report of the Dental Society of the State of New York; which was laid upon the table and ordered printed.

(See *Doc. No. 60.*)

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act for the preservation of life at bathing places."

"An act to fix the term of office of the clerk of the board of supervisors of Kings county."

"An act to amend chapter 264 of the Laws of 1817, entitled 'An act to incorporate the members of the New York Institution for the Instruction of the Deaf and Dumb,' with amendments thereto."

After some time spent therein, the President resumed the chair, and Mr. Loomis, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Loomis, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Loomis, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Starbuck moved that the Assembly bill entitled "An act for the reduction of the salaries and compensation of certain officers and clerks in the cities of this State," be printed, pending its consideration by the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend an act entitled 'An act to amend the act entitled An act to revise, amend and consolidate the laws in relation to the village of Norwich, in the county of Chenango,' passed March 23, 1857, and the act amendatory thereto, passed April 3, 1867, passed April 26, 1871."

Assembly, "An act to amend chapter 330 of the Laws of 1850, entitled 'An act re-incorporating the village of Little Falls by the name of Rockton,' and the laws amendatory thereof."

Assembly, "An act in relation to wharfage on canal boats in the cities of New York and Brooklyn."

After some time spent therein, the President resumed the chair, and Mr. Doolittle, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Doolittle, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Cole moved that said bill, as amended, be reprinted.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Kennaday the Senate adjourned.

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## TUESDAY, MAY 8, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

The President presented the second report of the Regents of the University on the boundaries of the State of New York; which was laid upon the table and ordered printed.

(See Doc. No. 61.)

The President presented eleven petitions from certain religious societies and churches, relative to the excise laws; which were read and laid upon the table.

Also, a petition of Wm. W. Morris, in respect to general legislation; which was read and laid upon the table.

Mr. Wagstaff presented a remonstrance of certain fire insurance companies, against the proposed elevated steam railroad in Pearl street, New York; which was read and referred to the committee on railroads.

Mr. Cole presented a petition of members of the bar of Genesee county, for the repeal of the Code of Remedial Justice; which was read and referred to the committee on the judiciary.

Mr. McCarthy presented a petition of 75 members of the bar of Onondaga county, for the repeal of the Code of Remedial Justice; which was read and referred to the committee on the judiciary.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to fix the term of office of the board of supervisors of Kings county."

Mr. Starbuck, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to further amend chapter 126 of the Laws of 1824, entitled 'An act to incorporate the Society for the Reformation of Juvenile Delinquents in the city of New York,' passed March 29, 1827, as amended by chapter 241 of the Laws of 1860, passed April 9, 1860," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Starbuck, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act to amend chapter 262 of the Laws of 1867, entitled 'An act to incorporate the Genesee Camp Ground Association,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Starbuck, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act to provide for the re-incorporation of St. Joseph's Church in the city of Rome," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Starbuck, from the committee on miscellaneous corporation, to which was referred the Assembly bill entitled "An act in relation to 'The American Board of Commissioners for Foreign Missions,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Starbuck, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act in relation to the First Society of the Methodist Episcopal Church in the village of Watkins, Schuyler county, New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Starbuck, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act to incorporate Patterson Lodge No. 273, Independent Order of Odd Fellows of the State of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Starbuck, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act to amend chapter 402 of the Laws of 1868, entitled 'An act to authorize the trustees of incorporated rural cemeteries to impose a tax upon the lot owners in said cemeteries,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Starbuck, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act to amend chapter 803 of the Laws of 1868, entitled 'An act to amend the acts to provide for the incorporation of religious societies, so far as the same relates to churches in connection with the Protestant Episcopal Church,' passed March 9, 1868," reported adversely thereto, which report was agreed to, and said bill rejected.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the passage of the same.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend section 53 of chapter 220 of the Laws of 1868, entitled 'An act to amend the charter of the village of Saratoga Springs, and the several acts amendatory thereof,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act authorizing the trustees of the village of Saratoga Springs to make certain expenditures for the purpose of purchasing hose and erecting a fire alarm telegraph,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sprague introduced a bill entitled "An act authorizing the Seminary of our Lady of Angels to convey certain real estate," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

Mr. Sprague offered the following:

*Resolved* (if the Assembly concur), That 500 copies of the report of

the Dental Society of the State of New York be printed for the use of the society.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Woodin moved to take from the table the bill entitled "An act supplemental to chapter 335 of the Laws of 1873, entitled 'An act to re-organize the local government of the city of New York.'"

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced the question to be upon concurring in the amendments made to said bill by the Assembly.

Mr. Woodin moved that the Senate concur in the amendments, except that portion thereof in subdivision 7 of section 13, contained in the words following "and shall account for and pay over all costs."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Doolittle	Prince	Tobey
Bixby	Emerson	Robertson	Vedder
Carpenter	Harris	Sayre	Wagner
Cole	McCarthy	Selkreg	Wellman
Coleman	Morrissey	Sprague	Woodin
			20

#### FOR THE NEGATIVE.

Bradley	Jacobs	Loomis	Starbuck
Gerard	Kennadav	St. John	Wagstaff
Hammond	Lamont	Schoonmaker	11

Mr. Woodin moved that the Senate do non-concur in the amendment contained in subdivision 7 of section 13 in the words following, "and shall account for and pay over all costs."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments, as aforesaid.

Mr. Robertson introduced a bill entitled "An act to prohibit the throwing of cinders, ashes, refuse and garbage into the waters of Long Island Sound, and into the bays and harbors opening into the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

The Assembly returned the resolution requesting the Governor to return to the Senate the bill relative to increasing the number of firemen in the village of Canandaigua, with a message that they had concurred therein.

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly returned the Assembly bill entitled "An act to provide for perfecting and perpetuating the right and title of the city of New York to property, water, water-rights and privileges heretofore taken or used, or which may be hereafter taken or used by said city, to increase the supply of pure and wholesome water for the use of said city, and to provide for the payment and extinguishment of all claims or damages growing out of such taking or using," with a message that they do non-concur in the amendments of the Senate thereto, and request a commit-



tee of conference thereon, and have appointed a committee on their part consisting of Messrs. Strahan, Fish, Hogeboom, Spinola and Moller.

Mr. Woodin moved that a like committee of conference be appointed on the part of the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee, Messrs. Carpenter, Robertson and Gerard.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have appointed a committee of conference thereon.

The Assembly returned the following entitled Assembly bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to enable the town of Newtown, in Queens county, to consolidate a portion of its bonded debt, and equalize the time of payment thereof."

"An act to amend chapter 443 of the Laws of 1876, entitled 'An act supplemental to the act entitled An act to revise the charter of the city of Syracuse, passed March 3, 1857, and the acts amendatory thereto.'"

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the bills entitled as follows:

"An act to amend chapter 667 of the Laws of 1870, entitled 'An act to incorporate the Brooklyn Library Building Fund Association of the Eastern District.'"

"An act to prevent the making and publication of false and deceptive statements in relation to the business of fire insurance."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same:

"An act to amend chapter 326 of the Laws of 1829, entitled 'An act to incorporate the village of Canajoharie, in the county of Montgomery.'"

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That a respectful message be sent to his Excellency the Governor, requesting the return of Assembly bill, not printed, entitled "An act to amend chapter 432 of the Laws of 1876, entitled 'An act to provide for a further supply of pure and wholesome water for the twenty-third and twenty-fourth wards in the city of New York.'"

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly sent for concurrence a resolution in the words following:

*Whereas*, The people of the State of New York, through their representatives in the Legislature, have repeatedly acknowledged their deep sense of obligation to the soldiers and sailors of the Union army and navy for the gallantry and devotion with which they defended the integrity of the Union in the late war; and,

*Whereas*, Most of our sister States have made provision for the honorable support of their veterans who, through misfortune or old age, have become incapacitated for labor; and,

*Whereas*, Official returns from thirty-five (35) of the sixty (60) counties of the State show that there are at present six hundred and forty-one (641) veteran soldiers and sailors of the Union army and navy reduced to want, and supported as a public charge in the county poor-houses of the State; and,

*Whereas*, A farm of two hundred and forty (240) acres, in the vicinity of Bath, Steuben county, has been purchased to provide a home for these disabled soldiers and sailors, and private subscriptions are in process of collection for the purpose of erecting thereon suitable buildings for their accommodation; therefore, be it

*Resolved* (if the Senate concur), That the people of the State of New York, in Legislature assembled, heartily sympathize with the project for the removal from the Empire State of the disgrace attending the presence in the county poor-houses of so many hundred of her brave defenders, and that it is the sense of this Legislature, if the proposed institution shall be fully completed by private subscriptions, at an aggregate cost for land and buildings of not less than one hundred thousand dollars (\$100,000), that the State should make adequate provision for the maintenance of such institution, as one of the charities of the State, if transferred to it free of incumbrance, as should provide for the proper support of the worthy disabled soldiers and sailors of the State in this or in some similar institution.

On motion of Mr. Jacobs, and by unanimous consent, the rules were suspended, in order to consider said resolution immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly sent for concurrence the bills entitled as follows:

"An act to authorize the town of Northfield, in the county of Richmond, to raise money to macadamize two public roads in said town, and to provide for the macadamizing thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to provide for the payment of bonds heretofore issued by the village of Middletown, in the county of Orange," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to provide for the better protection of policyholders of life insurance companies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

"An act to establish the boundaries of school district No. 5 of the town of Flushing, and to provide for the collection of school taxes therein, and conferring additional powers and duties upon the board of education of said district," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

The bill entitled "An act to fix the term of office of the clerk of the board of supervisors of Kings county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority

of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Gerard	Morrissey	Starbuck
Bradley	Hammond	Robertson	Tobey
Carpenter	Harris	St. John	Vedder
Coleman	Jacobs	Sayre	Wagner
Doolittle	Kennaday	Schoonmaker	Wellman
Emerson	Lamont	Selkreg	

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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Wagstaff moved that the privileges of the floor be accorded to Hon. Lawrence Power of the Canadian Parliament.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative

The bill entitled "An act to authorize St. Joseph's church, in the city of Yonkers, to acquire land and use the same for cemetery or burial purposes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Jacobs	St. John	Starbuck
Bradley	Kennaday	Sayre	Tobey
Carpenter	Lamont	Schoonmaker	Vedder
Cole	McCarthy	Selkreg	Wagner
Coleman	Prince	Sprague	Wagstaff
Doolittle	Robertson		

22

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

The bill entitled "An act relating to highways in the town of Eastchester, Westchester county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Gerard	Robertson	Starbuck
Bradley	Hammond	St. John	Tobey
Carpenter	Jacobs	Sayre	Vedder
Coleman	Kennaday	Schoonmaker	Wagstaff
Doolittle	Loomis	Selkreg	Wellman
Emerson	McCarthy	Sprague	

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to discontinue the Charlotte turnpike, and to authorize the Charlotte turnpike company to maintain a toll-bridge across the Susquehanna river," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority

of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Lamont	Selkreg
Bixby	Emerson	Loomis	Tobey
Carpenter	Gerard	McCarthy	Wagstaff
Cole	Harris	Sayre	Wellman
Coleman	Jacobs		

18

## FOR THE NEGATIVE.

Bradley	Schoonmaker	Starbuck	Vedder
Robertson	Sprague		

6

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to provide chambers for the judges of the criminal courts of record in the city and county of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Sprague
Bixby	Gerard	McCarthy	Starbuck
Bradley	Harris	Robertson	Vedder
Carpenter	Jacobs	St. John	Wagstaff
Cole	Kennaday	Schoonmaker	Wellman
Doolittle	Lamont	Selkreg	

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to provide for the adjustment and payment of a deficiency in the State tax of 1874, arising out of the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Jacobs	Robertson	Sprague
Bixby	Kennaday	St. John	Starbuck
Bradley	Lamont	Sayre	Vedder
Carpenter	Loomis	Schoonmaker	Wagstaff
Doolittle	McCarthy	Selkreg	Wellman

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to prevent fraud in the manufacture and sale of commercial fertilizers," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Sprague
Bixby	Jacobs	Morrissey	Starbuck
Bradley	Kennaday	Robertson	Vedder
Carpenter	Lamont	St. John	Wagner
Cole	Loomis	Selkreg	Wellman
Doolittle			

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the protection of dairymen, and to prevent deception in sales of butter," having been announced for a third reading,

On motion of Mr. Starbuck, and by unanimous consent, said bill was amended as follows:

Section 1, line 7, strike out the word "of," and insert the word "or." Line 15, strike out the word "detached."

Amend the title by striking out the words "and secure fair dealing."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate, voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Sprague
Bixby	Jacobs	Robertson	Starbuck
Bradley	Kennaday	St. John	Vedder
Carpenter	Lamont	Sayre	Wagner
Doolittle	Loomis	Selkreg	Wellman

20

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The Assembly bill entitled "An act in relation to assignments of the estates of debtors for the benefit of creditors," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Robertson	Sprague
Bixby	Jacobs	St. John	Starbuck
Bradley	Kennaday	Sayre	Vedder
Carpenter	Loomis	Schoonmaker	Wagner
Doolittle	McCarthy	Selkreg	Wellman
Emerson			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act conferring certain powers on the clerk of the surrogate's court of the county of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	Sprague
Bixby	Hammond	Robertson	Starbuck
Bradley	Harris	Sayre	Vedder
Carpenter	Jacobs	Schoonmaker	Wagner
Doolittle	Kennaday	Selkreg	Wellman
Emerson			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act re-appropriating moneys for the reconstruction of the Oneida Lake canal," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	Sprague
Bixby	Harris	Robertson	Starbuck
Carpenter	Jacobs	Sayre	Vedder
Cole	Kennaday	Schoonmaker	Wagner
Doolittle	Lamont	Selkreg	Wellman
Emerson	Loomis		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to authorize the trustees of incorporated rural cemeteries to register the lots thereof, and to impose a tax upon the lot owners in said cemeteries, in the counties of Kings and Queens," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Kennaday	Schoonmaker
Bixby	Emerson	Lamont	Selkreg
Bradley	Gerard	Loomis	Starbuck
Carpenter	Hammond	McCarthy	Vedder
Cole	Harris	Robertson	Wagner

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act authorizing the State Treasurer and other State officers to publish in the State paper monthly statement of bank balances, and for other purposes," having been announced for a third reading,

On motion of Mr. Harris, and by unanimous consent, said bill was amended by striking out all the amendments made thereto by the Senate in committee of the whole, and restore the bill as it originally came from the Assembly.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Hammond	Loomis	Schoonmaker	
Bixby	Harris	McCarthy	Sprague	
Carpenter	Jacobs	Morrissey	Vedder	
Doolittle	Kennaday	Robertson	Wagner	
Gerard	Lamont	Sayre	Wagstaff	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide for lighting the streets in the village of Perry, in the county of Wyoming, State of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Harris	Morrissey	Sprague	
Bradley	Jacobs	Robertson	Starbuck	
Carpenter	Kennaday	Sayre	Vedder	
Doolittle	Loomis	Schoonmaker	Wagner	
Emerson	McCarthy	Selkreg	Wagstaff	
Hammond				21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the city of Rochester to acquire the title to land or other property for the use and purposes of water-works, sewers, dumping rubbish and dirt," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Harris	Robertson	Starbuck	
Bixby	Jacobs	St. John	Vedder	
Carpenter	Kennaday	Sayre	Wagner,	
Doolittle	Lamont	Schoonmaker	Wagstaff	
Emerson	McCarthy	Selkreg	Wellman	
Gerard	Prince			22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to enable the city of Brooklyn to raise further means for the improvement and sale of certain portions of Prospect park, in said city," having been announced for a third reading,

On motion of Mr. Kennaday, and by unanimous consent, said bill was amended as follows:

Section 1, line 4, strike out all after the word "park," and insert as follows: "Pursuant to chapter 373 of the Laws of 1870, entitled 'An act to authorize the improvement and sale of certain portions of Prospect park, in the city of Brooklyn, and the acts amendatory thereof,' and to make provision for the expenditure of the amount raised, and for the purposes of this act, the bonds of the city known as park bonds, and payable out of the sale of park lands authorized to be sold, may be issued in such form and payable at such times and in such manner as the said common council may direct."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Gerard	Loomis	Selkreg
Bixby	Hammond	McCarthy	Starbuck
Carpenter	Harris	Morrissey	Wagner
Cole	Jacobs	Robertson	Wagstaff
Doolittle	Kennaday	Sayre	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to further amend the charter of the city of Rochester," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Spragne
Bixby	Harris	Prince	Starbuck
Carpenter	Jacobs	Robertson	Vedder
Cole	Kennaday	Sayre	Wagner
Doolittle	Lamont	Schoonmaker	Wagstaff
Emerson	McCarthy	Selkreg	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 330 of the Laws of 1873, entitled 'An act to amend the charter of the village of Deposit, situated partly in the town of Sanford, Broome county, and partly in the town of Tompkins, Delaware county, and to revise and compile the several acts relative to said village,' passed April 29, 1873," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative.



majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	Selkreg
Bixby	Harris	Morrissey	Sprague
Bradley	Jacobs	Prince	Tobey
Cole	Lamont	Robertson	Vedder
Doolittle	Loomis	Sayre	Wagstaff
Emerson			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the board of education of the city of Brooklyn to establish a home or school of reform for truant children, and to transfer the truant home of the city of Brooklyn to the care and custody of the said board of education," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Sprague
Bixby	Jacobs	Prince	Tobey
Bradley	Kennaday	Robertson	Vedder
Cole	Lamont	Sayre	Wagstaff
Doolittle	McCarthy	Selkreg	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to provide for the enlargement of the school-house site of school district No. 9 of the towns of Ellicott, Ellery and Gerry, in the county of Chautauqua," having been announced for a third reading,

Mr. Schoonmaker moved that said bill be recommitted to the committee on literature, with instructions to strike out the enacting clause.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Prince	Tobey
Bixby	Kennaday	Sayre	Vedder
Carpenter	Loomis	Selkreg	Wagstaff
Doolittle	McCarthy	Sprague	Woodin
Emerson	Morrissey		

18

## FOR THE NEGATIVE.

Robertson	Schoonmaker
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2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Woodin presented the following :

*To the Legislature :*

Your committee of conference, to which was referred the matters of difference between the two houses on Assembly bill No. 192, entitled "An act to secure better public administration in the local government of the city of New York," beg leave respectfully to report that they met and have agreed to recommend that the Assembly do concur in the following amendments to the bill as proposed by the Senate (reference being had in all cases to the engrossed bill), namely :

Amending section 4 so as to read as follows :

§ 4. No work for which an assessment may be imposed shall hereafter be proceeded with in said city unless authorized by ordinance or resolution of the common council, passed as hereinbefore required, and in no one year shall works of the description aforesaid be proceeded with even although authorized by the common council, which shall together involve expenditures exceeding in amount the sum of one million dollars, until the present obligations or indebtedness of the city for or on account of works payable in whole or in part from assessments are reduced by the collection of assessments and the application of the sums so collected, and by the money raised as in the following section required toward the payment of said obligations or indebtedness, to eight million dollars. After such reduction is effected, no work shall be authorized or executed in said city for which assessments may be imposed, which will at any one time increase the obligations or indebtedness of the city for, or on account of such description of work beyond the said maximum sum of eight million of dollars. Nothing in this section contained shall be held to apply to or delay any work of the description for which an assessment may be in whole or in part imposed, now under contract or now in course of execution in said city. In all cases where works of the description aforesaid has been in part proceeded with by day's labor pursuant to any law or ordinance authorizing the same, such work shall be completed by contract entered into by the head of the department having charge of the execution of the same, as provided in this act.

Section 5, line 32, strike out the word "five," and insert the word "six."

Same section, line 33, after the word "comptroller," insert the words "except as to such bonds or stocks as may be taken by the commissioners of the sinking fund."

Section 6, line 19, strike out after the word "provided," the balance of the section, and insert in lieu thereof the following :

"The time of payment of any of said bonds or stocks, by this section authorized, shall not exceed ten years, unless otherwise provided by the special laws under which they are issued. One-third of the bonds authorized by this and the next preceding section of this act may be issued by the comptroller in sums varying from one hundred to five hundred dollars each, and for one-third more of the aggregate amount of such issue, the comptroller may open books of subscription and issue to subscribers in lieu of such bonds or stock interest bearing certificates, in sums varying from twenty-five to one hundred dollars each ; provided that neither the principal nor the interest of such certificates shall be paid to any other person than the subscriber, or his legal representa-

tives, except upon properly executed and authenticated instruments in writing to his attorneys or assigns.

Section 7, lines 1 and 2, strike out the words "for which work or any part thereof payment is to be made from moneys raised by bonds or assessments in the city of New York," and insert in lieu thereof the words "authorized by sections four and six of this act."

Same section, strike out lines 6, 7 and 8 and to and including the word "act," in line 9.

Same section, lines 10 and 11, strike out the words "chargeable upon any public fund raised by tax, bonds or assessments."

Same section, line 19, after the word "work," insert the words "to be executed or."

Section 10, line 8, after the word "by," insert the words "the head of the department having charge of such work with the consent of."

Section 11, line 3, strike out the word "any" and insert the word "the."

Same section, lines 4, 5 and 6, strike out the following words, "for which work or any part thereof payment is to be made from moneys raised by bonds or assessments."

Section 14, lines 1, 2 and 3, strike out the words "for which work or any part thereof payment is to be made from moneys raised by bonds or assessments."

Section 16, line 6, strike out the words "at least one year of."

Section 18, line 48, strike out the words "and of the same."

Same section, line 61, after the word "city," strike out the balance of the section.

Section 19, after the word "laid," in line 14, insert the words "or such portion thereof as may be authorized by law."

Same section, line 33, strike out the word "only."

Section 23, line 28, strike out the words "with the clerk of the common council," and insert the words "in the office of the said board."

Section 29, line 3, after the word "act," insert the words "and pursuant to the provisions of any other statute authorizing the issue of bonds or stocks of said city payable from taxation other than revenue bonds."

Section 31, line 6, after the word "taxes," insert the words "for the payment of which moneys in the sinking fund are not applicable."

Section 34, after line 29, insert the words "or by any auditing board or auditing officer."

Same section, line 34, after the word "any," insert the word "such."

Same section, at the end of section strike out the words "except in cases where actions have been begun, or a demand made."

Section 40, line 9, strike out the word "three," and insert the word "four."

Same section, line 10, strike out the word "and."

Same section, line 12, strike out the word "three," and insert the word "four."

Same section, line 14, insert after the word "of," the word "two."

Same section, line 20, after the word "board," insert the word "it."

Same section, lines 24 and 25, strike out the words "other than the heads of departments, and the officers whose salaries have been or shall be specifically fixed by the present Legislature."

Same section, line 36, strike out the words "upon the application of the head of the department."

Section 41, line 2, strike out the words "eligible to, or hold or continue in," and insert the words "appointed to."

Same section, lines 5 and 6, strike out the words "or employe receiving a salary of over five hundred dollars therein."

Section 43, line 2, strike out the word "chamberlain," and insert the word "comptroller."

Same section, line 3, after the word "compensation," insert the words "to the chamberlain."

Insert as section 48 the following:

§ 48. The board of estimate and apportionment of said city is hereby required at any time before the first day of July next, by the concurrent vote of all the members of said board, to reconsider, revise and redetermine the final estimate of the appropriation for the various purposes of the government of said city and a charge upon said city for the year eighteen hundred and seventy-seven, and the estimate so considered, revised and redetermined and approved by the concurrent vote of the members of said board, shall thereby become appropriated as the amount of money required to defray all the various expenses necessary for conducting the public business in said city a charge upon the city, and also for paying the interest upon the city debt and the principal of such debt falling due, and providing for charitable and other objects, and said amounts shall be established and be the amount to be raised for such purposes, by tax, within the city and county of New York, for the year one thousand eight hundred and seventy-seven, and the amount thus established, after deducting the amount of the general fund, shall be certified to the board of aldermen by the comptroller, and said board is hereby empowered and directed to cause the amount so certified to be, raised and collected in the year eighteen hundred and seventy-seven, by tax upon the estate, real and personal, within said city and county subject to taxation.

Your committee further recommend that the Assembly do concur in the following amendments to the bill amended in conference committee, so as to read as follows:

Section 3, line 1, strike out the word "an," first occurring, and insert the words "a proposed."

Same section, line 14, after the word "the," insert the word "proposed."

Same section, line 2, after the word "imposed," insert the words "and unless and except when the proposed expenditure and assessments are for a sewer, culvert, receiving basin, drain or other work connected with the sewerage or drainage of said city."

Same section, line 18, after the word "shall," insert the word "also."

Section 6, line 1, before the word "no," insert the words "except for the prosecution of works connected with the supply and distribution of pure and wholesome water in said city."

Same section, line 9, after the word "estimate," insert the words "and apportionment."

Section 7, line 5, after the word "eight," insert the words "and provided further that all works connected with the supply and distribution of pure and wholesome water in said city shall and may be prosecuted in the manner now authorized by law; and provided further that it shall not be necessary to make a contract for any work or job the whole expense of which shall not exceed the sum of one thousand dollars. And whenever, by any provision of law, it is or may be required or directed that a contract shall be founded on sealed bids or proposals, and whenever (unless with reference to expenses to be borne from the yearly

taxes, it is otherwise expressly provided by law) any contract is to be entered into for an amount exceeding one thousand dollars, such contract and the expense thereof shall become and be a charge against the city of New York or against the appropriate board or fund therein as the case may be, provided the officer entering into the same shall have first observed the provisions of this section, and not otherwise."

Same section, line 69, after the word "fund," insert the words "for the redemption of the city debt."

Same section, last line, strike out the words "consents to" and insert the letter "s" after the word "become."

Section 9, at the end of the last line add the words "for the redemption of the city debt."

Section 18, line 20, after the word "provided" insert the words "but this shall not be construed to legalize, validate or in any way affect any claim or contract against the city of New York or any department or fund therein, for which such assessment shall be laid."

Same section, line 41, strike out the word "such" and insert the words "the comptroller."

Strike out section 24 as amended by the Senate and insert the following in lieu thereof:

§ 24. It shall be the duty of the general term of the Supreme Court of the first judicial department, or the justices of said general term if said court is not in session, upon an application by said board of street openings and improvements for the purpose, which application shall be made within ten days after the passage of this act, to appoint three discreet, disinterested and competent persons, being citizens of the United States and residents in the city of New York, and not being in the employ of the city of New York, or of any of the departments thereof, nor in any service the compensation of which is paid from the city treasury, as commissioners of estimate and assessment, to perform the duties in that behalf prescribed by laws and ordinances now existing, or which may be hereafter passed, in all proceedings hereafter commenced for opening, altering, extending or widening any road, street, avenue or public place within said city, whether in conformity with any plan or map theretofore adopted, or which may be hereafter adopted, which said commissioners, before they enter upon the performance of their duties under their appointment, shall severally take and subscribe an oath or affirmation before some person authorized by law to administer oaths, faithfully to perform the trust and duties required of them as commissioners of estimate and assessment by law, which oath or affirmation shall be filed in the clerk's office of the city and county of New York. The person first named by said general term in the order appointing said commissioners shall act as chairman of the commission. The said commissioners shall each receive as compensation for all their services in all proceedings, the sum of three thousand dollars per annum, and shall be paid in the same manner as heads of departments in said city are now paid. If any one or more of said commissioners shall, at any time, be interested in any land or property affected by a particular proceeding, he or they shall not serve therein, but one or more commissioners shall be appointed by said court to serve in his or their stead as commissioner or commissioners for that particular proceeding; and whenever any of said commissioners shall, by death or otherwise, vacate his office, the said court shall appoint some other person to fill such vacancy, upon the application of said board of street opening and improvement. The compen-

sation of said commissioners of estimate and assessment shall be fairly apportioned and charged to each proceeding, together with such other costs, charges and expenses as may be properly chargeable thereto, as hereinafter provided. And all advertising and all notices required by law to be published, relating to said proceedings, shall be published in the City Record; and the publication of such advertisements or notices therein shall be deemed and taken to be a sufficient compliance with any law or ordinance requiring the publication or posting of such matters or notices thereof. The said board of street opening and improvement may include the opening, widening or straightening of one or more streets, avenues, squares, public parks or places in a single proceeding, and may employ a clerk and other necessary assistants, and fix their compensation, not exceeding seven thousand five hundred dollars per annum in the aggregate; and the comptroller may hire an office for the use of said board at a rent not exceeding one thousand dollars per annum. The commissioners of estimate and assessment shall hold their meetings at the office of the board of street opening and improvement, and shall not contract any expense or liability whatever, but may require that any necessary clerical or surveyor's work be performed by the clerk and surveyor of the board of street opening and improvement. No expenses or liabilities shall be incurred by said commissioners of estimate and assessment, and no expenses whatever shall be allowed on any such improvement, until they have been approved by the board of street opening and improvement; and it shall be the duty of each and every such commissioner of estimate and assessment to make a just and fair estimate of damage, and also of benefit, in respect of each and every piece of property affected, and to include within such estimate of benefit all property justly to be included therein; and if any such commissioner shall knowingly and corruptly make or assent to any assessment or award, or to any estimate not just and fair in respect of the true value, benefit or damage, he shall be guilty of a misdemeanor. The board of estimate and apportionment shall include in the annual estimate a sum sufficient to provide for the expense by this section authorized, and all sums charged in any proceeding as hereinbefore directed, shall when recovered be paid into the treasury of said city to the credit of the general fund. And to provide for said expenses for the year 1877 the comptroller shall issue revenue bonds payable from the taxes for the year 1878, and an amount sufficient to redeem said revenue bonds shall be included by the board of estimate and apportionment in the final estimate for the said year 1878."

Strike out section 30 as amended by the Senate and insert the following in lieu thereof:

§ 30. The commissioners of the sinking fund shall hereafter consist of the mayor, comptroller, chamberlain, recorder and the president of the board of aldermen. Whenever said commissioners shall authorize the investment or payment of any moneys from the sinking funds for the redemption of the city debt and the payment of interest on the city debt, the amounts required for such purposes shall be paid on the authority of said commissioners by warrant signed by the comptroller and countersigned by the chamberlain.

Section 32, line 14, after the word "for," insert the words "provided, however, that whenever it may be necessary in the erection of any building or other structure, or in the prosecution of any particular work for the collection and distribution of pure and wholesome water in said city,

to employ the services of an engineer, architect, superintendent, inspector, clerk or other skilled person in addition to the services that can reasonably be performed by the regular officers and employees of the department having charge of such work, it shall be lawful for the head of such department to employ a suitable person or persons for such purpose, and the salary or compensation of such person or persons shall be paid out of the funds from which the other expense for such work is to be paid in accordance with law."

Section 38 is amended so as to read as follows:

§ 38. No demand, claim, or indebtedness of any character or description for any purpose whatever arising after the passage of this act, and not payable from moneys raised by bond or assessment as hereinbefore provided, shall hereafter form, or be a charge or obligation of, upon or against the said city, if, at the time such alleged claim or indebtedness was incurred, there was not an amount of the annual appropriation made therefor remaining unexpended, and in excess of all liabilities theretofore incurred, and payable therefrom, sufficient to pay the same. Hereafter no judgment shall be enforced against said city upon any demand, claim, or indebtedness arising after the passage of this act, unless ordered by a judge of the court in which such action is pending after at least two day's notice to the counsel to the corporation, and upon the affirmative proof that there is in the treasury appropriated for the purpose, and in excess of the liabilities theretofore incurred, and payable therefrom, a sum sufficient to pay such judgment, or that such claim is authorized to be paid from the proceeds of the stocks or bonds of the said city (other than judgment bonds so called), and that there remains appropriated but unissued an amount of such bonds or stocks authorized by law to be issued, sufficient to provide for and pay the same. As to any claim incurred after this act, no judgment shall be entered against said city, except upon affirmative proof of the existence of a sufficient unexpended and unincumbered appropriations as hereinbefore provided, or else upon affirmative proof that a statement designating the proper appropriation, and the amount thereof applicable to such liability has been given and indorsed in the manner herein provided. It is hereby made the duty of every head of department in said city to transmit to the comptroller daily statements of the aggregate amount of liabilities payable from taxation incurred by his department upon the day of the date of such statement, and a designation of the particular appropriation against which such liabilities are to be charged. Thereupon the comptroller shall cause such liabilities to be entered in the book of the department of finance, so that the unexpended and unincumbered amount of each appropriation can be ascertained upon each day from an examination of such books. Whenever any such liability is incurred, it shall be the duty of the officer incurring the same to deliver to the person with whom the transaction is had a statement designating the appropriation from which such liability is to be met, and informing him of his right to have the certificate of the comptroller of the amount applicable to the discharge of such liability indorsed on such statement. And when such statement is presented to the comptroller it shall be his duty within twenty-four hours thereafter to indorse thereon the amount of the unexpended and unincumbered appropriation applicable to the discharge of such liability. For the purpose of providing for the payment of judgments which may be obtained against said city during the year eighteen hundred and seventy-seven, the comptroller, when authorized

by the board of estimate and apportionment, may issue revenue bonds of the city not exceeding a total amount of five hundred thousand dollars, and in the annual estimate of eighteen hundred and seventy-eight, there shall be included an amount sufficient to pay for the revenue bonds issued as in this section provided.

Section 34, lines 41, 42 and 43, strike out the words "the audit of all such claims is hereby set aside without prejudice to the rights of the parties to establish any such claim as in this section provided."

Add as a new section, numbered 49, the following:

§ 49. The office of inspector of weights and measures in said city is hereby abolished, and the powers and duties now vested in said inspectors are hereby transferred to and vested in the sealers of weights and measures, not more than two of whom shall be appointed or hold office in said city at any one time, and who shall exercise the said powers and duties in addition to those now required of them by law."

Change the number of section 49 to 50.

And your committee further recommend that the Senate do recede from the amendments to the bill as proposed and adopted in the Senate, namely:

Section 3, line 13, strike out the word "presumptive" and insert the word "conclusive."

Same section and line, after the word "facts," insert the words "and the same cannot thereafter be questioned in any manner whatever."

Section 35, line 14, strike out the word "such."

Section 40, line 9, strike out the words "and the president of the board of aldermen."

Same section, last paragraph, strike out the words "This section shall not be construed so as to authorize the board of estimate and apportionment to reduce the salaries now paid to the teachers of the public schools of the said city, nor the salaries now paid to officers and members of the police and fire departments thereof respectively (except commissioners of the same), who are members of the said departments respectively, at the time of the passage of this act."

Same section, line 10, insert after the word "shall" the words "be tax-payers in said city and who shall."

Section 42, line 2, after the word "city," strike out the words "except the police department and board the expenditures of which shall be made as now provided by law."

Section 45, line 4, strike out the word "comptroller" and insert the words "board of estimate and apportionment."

And your committee recommend that the title of the bill be amended so as to read as follows:

"An act to secure better public administration in the local government of the city of New York."

All of which is respectfully submitted.

F. W. TOBEY,  
JOHN MORRISSEY,  
*Senate Committee.*

HAMILTON FISH, JR.,  
ROBT. H. STRAHAN,  
WM. H. CORSA,  
*Assembly Committee.*

I concur in all except the amendment to sections 40 and 49, introduced by conference committee. WM. B. WOODIN.

I concur in all except that which relates to the revision of the board of estimate and apportionment. PETER MITCHELL,  
CHRIS. FLECKE.



Mr. Woodin moved that the report of the committee be agreed to, except that portion thereof contained in sections 33, 40 and 49.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Sprague
Bixby	Hammond	Morrissey	Tobey
Bradley	Harris	Prince	Vedder
Carpenter	Jacobs	Robertson	Wagner
Cole	Kennaday	Sayre	Wagstaff
Doolittle	Lamont	Selkreg	Woodin
			24

## FOR THE NEGATIVE.

Loomis	Schoonmaker	Starbuck	3
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Mr. Woodin moved to agree to that portion of the report contained in section 33.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Hammond	Prince	Starbuck
Bixby	Harris	Robertson	Tobey
Bradley	Jacobs	Sayre	Vedder
Carpenter	Loomis	Schoonmaker	Wagner
Cole	McCarthy	Selkreg	Woodin
Doolittle	Morrissey	Sprague	23

Mr. Woodin moved to concur in that portion of the report contained in section 40, except the last paragraph commencing "this section shall not be construed so as to authorize," &c.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Harris	Prince	Starbuck
Bixby	Jacobs	Robertson	Tobey
Bradley	Kennaday	Sayre	Vedder
Cole	Loomis	Schoonmaker	Wagner
Coleman	McCarthy	Selkreg	Wagstaff
Doolittle	Morrissey	Sprague	Woodin
			24

Mr. Woodin moved to non-concur in that portion of said report (section 40), which reads as follows : "This section shall not be construed so as to authorize the board of estimate and apportionment to reduce the salaries now paid to the teachers of the public schools of the said city, nor the salaries now paid to officers and members of the police and fire departments thereof respectively (except commissioners of the same), who are members of the said departments respectively, at the time of the passage of this act."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Carpenter	Gerard	Prince	Sprague
Cole	Kennaday	Robertson	Wagner

Coleman  
Doolittle  
Emerson

Lamont  
McCarthy

Sayre  
Selkreg

Wellman  
Woodin

17

## FOR THE NEGATIVE.

Baaden  
Bixby  
Bradley

Harris  
Morrissey  
St. John

Schoonmaker  
Tobey

Vedder  
Wagstaff

10

Mr. Woodin moved to agree to that portion of the report recommending new section No. 49.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Carpenter  
Cole  
Coleman  
Emerson  
Kennaday

Lamont  
McCarthy  
Morrissey  
Prince  
Robertson

Sayre  
Selkreg  
Sprague  
Tobey

Vedder  
Wagner  
Wagstaff  
Wellman

18

## FOR THE NEGATIVE.

Harris

St. John

Schoonmaker

3

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference thereon, excepting as noted.

A message was received from the Governor in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,  
ALBANY, May 8, 1877.

*To the Senate:*

I return without approval Senate bill No. 61, entitled "An act to authorize the election of women to school offices."

This bill goes too far or else not far enough. It provides that women may hold any or all of the offices connected with the department of education; that is to say, a woman may be elected Superintendent of Public Instruction, women may be appointed school commissioners, members of boards of education and trustees of school districts. In some of these positions it will become their duty to make contracts, purchase materials, build and repair school-houses and to supervise and effect all the transactions of school business, involving an annual expenditure of over twelve millions dollars in this State. There can be no greater reason that women should occupy these positions than the less responsible ones of supervisors, town clerks, justices of the peace, commissioners of highways, overseers of the poor and numerous others. If women are physically and mentally fitted for one class of these stations, they are equally so for the others.

But at this period in the history of the world such enactments as the present hardly comport with the wisdom and dignity of legislation. The God of nature has appointed different fields of labor, duty and usefulness for the sexes. His decrees cannot be changed by human legislation. In the education of our children the mother stands far above all superintendents, commissioners, trustees and school teachers. Her influence in the family, in social intercourse and enterprises, outweighs all the

mere machinery of benevolence and education. To lower her from the high and holy place given her by nature, is to degrade her power and to injure rather than benefit the cause of education itself. In all enlightened and Christian nations the experience and observation of ages have illustrated and defined the relative duties of the sexes in promoting the best interests of society. Few, if any, of the intelligent and right minded among women desire or would be willing to accept the change which such a law would inaugurate.

The bill is, moreover, a clear infraction of the spirit if not the letter of the Constitution. Under that instrument women have no right to vote, and it cannot be supposed that it is the intention of the Constitution that persons not entitled to the right of suffrage should be eligible to some of the most important offices in the State.

L. ROBINSON.

Mr. Emerson moved that said message be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A message was received from the Governor in the words following:

STATE OF NEW YORK,  
EXECUTIVE CHAMBER — ALBANY, May 8, 1877. }

*To the Senate:*

I return without approval Senate bill No. 114, entitled "An act to amend chapter 564 of the Laws of 1872, entitled 'An act to amend the charter of the village of Carthage, Jefferson county.'"

The object of this bill is to confer upon the police justice of the village of Carthage, the powers of a justice of the peace. There are already four justices of the peace in the town of Wilna, in which Carthage lies, possessing and exercising the jurisdiction sought to be conferred by this act. It is not made to appear that the present officers are unable to discharge all the duties devolving upon them, or that there is any more need of another justice for public reasons in that town than in any one of a hundred others of like size.

Experience shows that in nearly every town in the State a reduction of the number of justices is more necessary than an increase. It does not seem wise at present to increase the number or functions of officials whose support must directly or indirectly be drawn from the pockets of the people. The laws of the State have fixed the number of justices of the peace in towns, and no additions should be made to the number in special localities without evidence of public necessity therefor.

L. ROBINSON.

Mr. Starbuck moved that said message be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A message was received from the Governor in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, May 8, 1877. }

*To the Senate:*

In accordance with a joint resolution of the Senate and Assembly, I return herewith, for amendment, Senate bill No. 143, entitled "An act to increase the number of firemen in the village of Canandaigua."

L. ROBINSON.

Mr. Hammond moved that said bill be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to amend chapter 190 of the Laws of 1877, entitled 'An act to authorize the payment of certain moneys out of the State treasury to the heirs-at-law of Maria Brimmayer, deceased, passed April 28, 1877,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Hammond	Morrissey	Sprague
Bradley	Harris	Prince	Starbuck
Carpenter	Jacobs	Robertson	Wagner
Coleman	Kennaday	Sayre	Wagstaff
Doolittle	Lamont	Schoonmaker	Woodin
Emerson	McCarthy	Selkreg	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 24 of the Laws of 1870, entitled "An act to amend an act entitled 'An act to amend the charter of the village of Dunkirk, passed April 20, 1867,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Hammond	Loomis	Schoonmaker
Bradley	Harris	McCarthy	Selkreg
Carpenter	Jacobs	Morrissey	Sprague
Cole	Kennaday	Robertson	Wagner
Doolittle	Lamont	Sayre	Wagstaff

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 291 of the Laws of 1870, entitled 'An act for the incorporation of villages,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Hammond	Morrissey	Selkreg
Bradley	Harris	Prince	Sprague
Cole	Jacobs	Robertson	Tobey
Doolittle	Kennaday	Sayre	Wagner
Emerson	McCarthy	Schoonmaker	Wagstaff
Gerard			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act requiring the superintendents of the poor of the county of Genesee to convey to the board of supervisors of said county the lands and appurtenances known as the poor-house farm, situate in the town of Bethany, in said county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Hammond	Morrissey	Sprague
Bradley	Harris	Prince	Starbuck
Cole	Jacobs	Robertson	Tobey
Doolittle	Kennaday	Sayre	Wagner
Emerson	McCarthy	Selkreg	Wagstaff 20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act further to amend chapter 807 of the Laws of 1873, entitled "An act concerning notaries public in the counties of Kings, Queens, Richmond, Westchester and Rockland, and in the city and county of New York, and authorizing them to exercise the functions of their office therein," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Emerson	Prince	Selkreg
Bixby	Jacobs	Robertson	Tobey
Bradley	Kennaday	Sayre	Wagner
Cole	McCarthy	Schoonmaker	Wagstaff
Doolittle			17

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to change the bulk-head and pier lines for Newtown creek, in the port of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Gerard	Prince	Sprague
Bixby	Harris	Robertson	Starbuck
Bradley	Jacobs	Sayre	Wagner
Cole	Kennaday	Schoonmaker	Wagstaff
Doolittle	McCarthy	Selkreg	Woodin
Emerson	Morrissey		

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 482 of the Laws of 1875, entitled 'An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

**FOR THE AFFIRMATIVE.**

Baaden	Gerard	McCarthy	Schoonmaker
Bixby	Hammond	Morrissey	Selkreg
Bradley	Jacobs	Robertson	Wagner
Doolittle	Kennaday	Sayre	Wagstaff
Emerson			

17

**FOR THE NEGATIVE.**

Cole	Harris	Prince	
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3

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend chapter 184 of the Laws of 1866, entitled 'An act for the better protection of seamen in the port and harbor of New York,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof and three-fifths being present, as follows:

**FOR THE AFFIRMATIVE.**

Baaden	Doolittle	McCarthy	Schoonmaker
Bixby	Gerard	Morrissey	Selkreg
Bradley	Harris	Prince	Sprague
Cole	Jacobs	Robertson	Wagner
Coleman	Kennaday	Sayre	Wagstaff

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend chapter 319 of the Laws of 1848, entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies, and to make it applicable to literary societies,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

**FOR THE AFFIRMATIVE.**

Baaden	Gerard	Sayre	Wagner
Bixby	Hammond	Selkreg	Wagstaff
Doolittle	Kennaday	Sprague	Woodin
Emerson	McCarthy		

14

## FOR THE NEGATIVE.

Bradley  
ColeHarris  
Prince

Robertson

Schoonmaker

6

Mr. Kennaday moved to reconsider the vote by which said bill was lost, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to amend section 3 of chapter 564 of the Laws of 1875, entitled 'An act to amend chapter 122 of the Laws of 1851, entitled An act for the incorporation of building, mutual, loan and accumulating fund associations,' passed June 9, 1875," having been announced for a third reading,

Mr. Bradley moved that said bill be recommitted to the committee on miscellaneous corporations, with instructions to strike out the first section of the bill,

Pending which,

On motion of Mr. Robertson, the Senate took a recess until half-past seven o'clock.

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### HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

The Assembly returned the bill entitled "An act supplemental to chapter 335 of the Laws of 1873, entitled 'An act to re-organize the local government of the city of New York,'" with a message that they recede from the amendment to subdivision 7 of section 13, as follows, "and shall account for and pay over all costs."

*Ordered,* That the Clerk deliver said bill to the Governor.

The Senate then resolved itself into a committee of the whole and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act supplemental to chapter 140 of the Laws of 1850, entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850."

"An act in relation to the pilots of the channel of the East river, commonly called Hell Gate."

"An act to provide for stability of construction and security against conflagration, panic or other accident in theaters hereafter to be erected in the city of New York."

After some time spent therein, the President resumed the chair, and Mr. Kennaday, from said committee, reported in favor of the passage of the first and second named bills, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Kennaday, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Jacobs gave notice that at some future day he would move to suspend the operation of the 47th rule for the balance of the season.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to provide a supply of wholesome water to the Twenty-fourth ward of the city of New York, and to enable the mayor, aldermen and commonalty of the city of New York to obtain

the same," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend chapter 912 of the Laws of 1869, entitled 'An act to incorporate the city of Cohoes,' passed May 19, 1869, and the acts amending the same, passed March 4, 1872," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend chapter 714 of the Laws of 1869, entitled 'An act to incorporate the city of Watertown,' " reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend chapter 77 of the Laws of 1870, entitled 'An act to amend the act to combine into one act the several acts relating to the city of Albany,' passed April 12, 1842, and the several acts amendatory thereof, in so far as they relate to the city of Albany," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 524 of the Laws of 1872, entitled 'An act to protect purchasers on sales of real estate of infants by special guardians,' " reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to protect purchasers on sales of real estate of infants by special guardian heretofore made," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend title 5 of chapter 1 of part 3 of the Revised Statutes, in relation to the jurisdiction of courts of sessions," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 960 of the Laws of 1867, entitled 'An act to authorize the consolidation of corporations organized under the act entitled An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed February 17, 1848, or any of the acts amending or extending the same," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act in relation to the payment of taxes and assessments in the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. McCarthy, from the committee on literature, to which was referred the Assembly bill entitled "An act to establish the boundaries of school district No. 5 of the town of Flushing, and to provide for the collection of school taxes therein, and conferring additional powers and duties upon the board of education of said district," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Wagstaff moved that Assembly bill entitled "An act to further amend chapter 721 of the Laws of 1871, entitled 'An act to amend and



consolidate the several acts relating to the preservation of moose, wild deer, birds and fish," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Assembly returned the bill entitled "An act to amend chapter 371 of the Laws of 1875, entitled 'An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights, and liabilities, and to provide for the organization of savings banks for their supervision and for the administration of their affairs,'" with the conference report as follows:

*To the Legislature:*

Your committee, to which was referred the matters of difference between the two Houses, upon the bill entitled "An act to amend chapter 371 of the Laws of 1875, entitled 'An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs,'" beg leave respectfully to report:

That they have met and have duly considered such matters of difference, and have agreed to recommend that the Assembly do recede from all amendments as proposed and adopted in the Assembly, except the following amendment to section 4, to be added after the word "prescribe," in line 11.

"It shall be the duty of the trustees of any such corporation, as often as once in each six months during each year, to cause to be taken an accurate balance of their depositors' ledgers, and in their semi-annual report to the Superintendent of the Banking Department, they shall state the fact that such balance has been taken, and shall state the discrepancies, if any, existing between the amount due to depositors as shown by such balances, and the amount due to depositors as shown by the general 'ledger,' and as to that amendment they recommend that the Senate do concur."

THOMAS COLEMAN,  
D. B. ST. JOHN,  
A. J. WELLMAN,  
*Senate Committee.*

M. A. McKEE,  
EVERETT CASE,  
B. D. CLAPP,  
W. W. RICE,  
*Assembly Committee.*

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative, as follows:

**FOR THE AFFIRMATIVE.**

Baaden	Doolittle	Kennaday	St. John
Bixby	Emerson	McCarthy	Sayre
Carpenter	Gerard	Morrissey	Selkreg
Cole	Hammond	Prince	Wagner
Coleman	Harris	Robertson	

19

**FOR THE NEGATIVE.**

Sprague	Vedder	
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2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference thereon.

The Assembly sent for concurrence the bills entitled as follows :

"An act to confirm the election of village trustees in certain cases, and to provide for and determine by lot their respective terms of office," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to legalize the acts of J. Marshall Guion, a justice of the peace of the town of Seneca Falls, in the county of Seneca," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend chapter 426 of the Laws of 1847, entitled 'An act to provide for the incorporation of villages,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act in relation to the Manual Labor School upon the Tonawanda reservation," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on Indian affairs.

"An act to abolish the office of trustees of the town of Glenville, in the county of Schenectady, and to confer the powers now vested in the said trustees in the supervisor of the said town of Glenville," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend chapter 440 of the Laws of 1873, entitled 'An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to confer the powers of harbor master on the police patrolmen detailed to certain docks and piers in said city by the board of commissioners of police and excise of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend chapter 182 of the Laws of 1863, entitled 'An act to make separate road districts of parts of the towns of Castleton, Middletown and Southfield, in the county of Richmond, and to provide for the drainage of the same,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to authorize the commissioners of the land office to sell and convey lands in Clinton county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act relative to the bonded indebtedness of cities, villages, towns and counties," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to repeal chapter 640 of the Laws of 1870, entitled 'An act authorizing the construction of a highway from Chateaugay lake to Saranac and branches,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend chapter 6, part 1, title 3, article 3, section 21 of the Revised Statutes," which was read the first time, and by unanimous

consent was also read the second time, and referred to the committee on the judiciary.

"An act to protect salmon-trout in Lake Awasting, otherwise called Long pond, and brook trout in the Beerkill, in the county of Ulster," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on internal affairs.

"An act to repeal chapter 332 of the Laws of 1871, entitled 'An act for the relief of the Bath Library Association,' passed April 6, 1871," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Bradley, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

"An act to amend section 2 of chapter 180 of the Laws of 1875, entitled 'An act creating a board of town auditors in the several towns of this State, and to prescribe their powers and duties,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act relating to the redemption of lands sold under decrees of foreclosure in the county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend chapter 224 of the Laws of 1874, entitled 'An act to repeal chapter 440 of the Laws of 1873, entitled 'An act requiring commissioners of highways to act as inspectors of plank-roads and turn-pikes, so far as the same relates to the counties of Clinton, Chenango, Seneca, Queens, Orange, Essex, Cayuga, Madison and Steuben,' so as to exempt the county of Madison from said repealing act," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to authorize the city of Newburgh to borrow money and issue bonds therefor, for the payment of certain water bonds of said city heretofore issued, and to provide for the payment thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend chapter 291 of the Laws of 1870, entitled 'An act for the incorporation of villages,' passed April 20, 1870, as amended by chapter 688 of the Laws of 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act further to amend chapter 857 of the Laws of 1873, entitled 'An act in relation to the keeping open of certain public offices in the county of Kings, and to extend the provisions of said act to the city of Brooklyn, to Long Island City, and the counties of Queens and Suffolk,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act providing for the use of a portion of Washington square at Stapleton, in the village of Edgewater, town of Middletown and county of Richmond, as a site for a county court-house," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend chapter 817 of the Laws of 1866, entitled 'An act to lay out and construct a road from the river road, in township No. 14, in the town of Johnsburgh, to the Carthage road near the head of Long Lake, in the county of Hammond,' " which was read the first time, and

by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend chapter 519 of the Laws of 1870, entitled 'An act to revise the charter of the city of Buffalo,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act granting certain powers and authority to the trustees of the Harpersville Cemetery Association, in the town of Colesville, Broome county, New York, and to the supervisor of said town," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Selkreg, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

"An act to amend chapter 514 of the Laws of 1875, entitled 'An act to provide for the election of police justices in villages,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to change the time for electing directors of the Hanover Fire Insurance Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

"An act to provide for paying for services and materials furnished in caring for and burying certain members of the National Guard, killed and wounded in the public service," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to validate and confirm the title to certain real estate in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to repeal section 51 of chapter 505 of the Laws of 1873, entitled 'An act to re-organize the village of Gloversville,' which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Wagner, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Said bill having been announced for a third reading,

On motion of Mr. Prince, and by unanimous consent, said bill was amended as follows:

§ 1. Strike out all of said section after the word "Gloversville," in line 3, down to and including the words "two hundred dollars," in line 42.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Harris	Morrissey	Starbuck
Bradley	Jacobs	Prince	Vedder
Doolittle	Kennaday	Robertson	Wagner
Emerson	Lamont	Schoonmaker	Wagstaff
Gerard	Loomis	Selkreg	Woodin
Hammond	McCarthy	Sprague	

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly returned the concurrent resolution relative to the abolition of tolls, or in the imposition of a nominal rate of tolls on certain articles and commodities, with a message that they had concurred in the passage of the same.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same :

"An act to authorize the trustees of the village of Skaneateles, in the county of Onondaga, to sell certain real estate and to raise money by tax for building an engine house, and for other village purposes."

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto :

"An act further to amend chapter 863 of the Laws of 1873, entitled 'An act to amend the charter of the city of Brooklyn.'"

"An act to release the interest of the people of the State of New York in certain lands of which Michael Schmitts died seized to Katharine Schmitts."

"An act to amend chapter 426 of the Laws of 1847, entitled 'An act to provide for the incorporation of villages,' so far as the same relates to the village of Niagara Falls, in the county of Niagara."

*Ordered*, That the Clerk return said bills to the Assembly.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bill entitled as follows :

"An act to further amend chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish'"

After some time spent therein, the President resumed the chair, and Mr. McCarthy, from said committee, reported progress on the said named bill, and asked and obtained leave to sit again.

Mr. Wagstaff moved that said bill be considered in first committee of the whole to-morrow.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. McCarthy offered the following :

*Resolved*, That 1,000 copies of the second report of the Regents of the University, on the Boundaries of the State of New York, be printed and bound for the use of the Regents.

*Ordered*, That said resolution be referred to the committee on public printing.

On motion of Mr. Bixby, the Senate adjourned.

WEDNESDAY, MAY 9, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Starbuck presented a petition of thirty-eight members of the Watertown bar, for the repeal of the Code of Remedial Justice; which was read and referred to the committee on the judiciary.

Mr. Emerson presented a remonstrance of citizens of Monroe county, against any amendment to the excise law; which was read and laid upon the table.

Mr. Woodin presented five petitions relative to schools in city of New York, and for the board of education to maintain its jurisdiction independent of the city departments and exempting it from the operation of the proposed charter; which were read and laid upon the table.

Mr. Wagner, from the committee on public printing, to which was referred the resolution to print 1,000 copies of the second report of the Regents of the University, on the Boundaries of the State of New York, reported in favor of the adoption of the following resolution:

*Resolved* (if the Assembly concur), That 1,000 copies of the second report of the Regents of the University on the Boundaries of the State of New York be printed and bound for the use of the Regents, provided the cost thereof shall not exceed 10 cents per page, per 100 copies.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Sprague
Bixby	Harris	Prince	Starbuck
Carpenter	Jacobs	Robertson	Vedder
Cole	Loomis	Sayre	Wagner
Doolittle	McCarthy	Selkreg	Woodin
Emerson			

21

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend section 3 of chapter 564 of the Laws of 1875, entitled 'An act to amend chapter 122 of the Laws of 1851, entitled 'An act for the incorporation of building, mutual, loan and accumulating fund associations,' passed June 9, 1875," having been announced for a third reading,

The President announced the pending question thereon to be the motion of Mr. Schoonmaker to recommit the said bill to the committee on miscellaneous corporations.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act supplemental to chapter 140 of the Laws of 1850, entitled 'An act to authorize the formation of railroad corporations and to regulate the same.'"

"An act in relation to pilots."

The Assembly bill entitled "An act to repeal chapter 332 of the Laws of 1871, entitled 'An act for the relief of the Bath Library Association,' passed April 6, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Selkreg	
Bixby	Gerard	McCarthy	Sprague	
Carpenter	Hammond	Morrissey	Starbuck	
Cole	Harris	Robertson	Vedder	
Doolittle	Kennaday	Sayre	Wagner	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Loomis, from the committee on public printing, to which was referred the resolution to print 500 copies of the report of the Dental Society of the State of New York, reported in favor of the adoption of the following resolution:

*Resolved* (if the Assembly concur), That 500 copies of the report of the Dental Society of the State of New York be printed for the use of the society, provided the cost shall not exceed ten cents per page per 100 copies.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Robertson	Starbuck	
Bixby	Hammond	Sayre	Vedder	
Carpenter	Jacobs	Selkreg	Wagstaff	
Doolittle	Kennaday	Sprague	Woodin	
Emerson	Loomis			18

*Ordered,* That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act granting certain powers and authority to the trustees of the Harpersville Cemetery Association, in the town of Colesville, Broome county, New York, and to the supervisor of said town," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Lamont	Selkreg	
Bixby	Gerard	Loomis	Sprague	
Carpenter	Harris	McCarthy	Starbuck	
Cole	Jacobs	Robertson	Vedder	
Doolittle	Kennaday	Sayre	Wagner	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act further to amend chapter 133 of the Laws of 1847, entitled 'An act authorizing the incorporation of rural cemetery associations,'" having been announced for a third reading,

On motion of Mr. Jacobs, and by unanimous consent, said bill was amended as follows:

§ 1. Strike out the words "if at any such election one-fifth in number of the said proprietors shall not, in person or by proxy, vote thereat, then

the trustees to be chosen shall be elected and chosen by the existing trustees, or a majority of them, and the existing trustees shall in all cases hold their places until their successors are elected and qualified."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Selkreg
Bixby	Gerard	McCarthy	Starbuck
Bradley	Jacobs	Morrissey	Tobey
Carpenter	Kennaday	Prince	Vedder
Cole	Lamont	Robertson	Wagner
Doolittle			

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to create a board of assessors in and for the city of Utica," having been announced for a third reading,

On motion of Mr. Sayre, and by unanimous consent, said bill was amended as follows:

Section 2, line 6, after the word "made," insert the words "except to fill vacancies."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Sprague
Bixby	Harris	Prince	Starbuck
Bradley	Jacobs	Robertson	Tobey
Carpenter	Kennaday	Sayre	Vedder
Doolittle	Loomis	Selkreg	Wagstaff
Emerson			

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Prince offered the following:

*Resolved* (if the Assembly concur), That a respectful message be sent to his Excellency the Governor, requesting the return of Senate bill No. 228, entitled "An act in relation to the collection of taxes and the sales of land therefor, in certain towns in Queens county," for amendment.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered,* That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act relating to the payment of assessments for local improvements in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a



majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Sayre
Bixby	Gerard	McCarthy	Selkreg
Bradley	Hammond	Morrissey	Tobey
Carpenter	Harris	Prince	Vedder
Cole	Jacobs	Robertson	Wagstaff
Doolittle	Kennaday		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide for payment for the use and occupation of the rooms occupied by the several courts provided for by chapter 329 of the Laws of 1874, entitled 'An act to re-enact and amend an act entitled An act to provide for the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York,' passed May 23, 1873," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Sprague
Bixby	Gerard	Prince	Starbuck
Carpenter	Kennaday	Robertson	Tobey
Cole	Lamont	Schoonmaker	Vedder
Doolittle	Loomis	Selkreg	Wagner

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 559 of the Laws of 1874, entitled 'An act to incorporate the Niagara Grand Island Bridge Company,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Harris	McCarthy	Sprague
Bixby	Jacobs	Prince	Starbuck
Bradley	Kennaday	Robertson	Vedder
Cole	Lamont	Schoonmaker	Wagner
Doolittle	Loomis	Selkreg	Wagstaff
Gerard			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to further amend an act entitled 'An act to incorporate the Masonic Hall Association in the western dis-

trict of the city of Brooklyn,' passed April 20, 1866, as amended by an act entitled 'An act to amend an act entitled An act to incorporate the Masonic Hall Association in the western district of the city of Brooklyn, passed April 20, 1866,' passed April 28, 1870," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Sprague	
Bixby	Harris	Prince	Starbuck	
Bradley	Jacobs	Robertson	Vedder	
Cole	Kennaday	Schoonmaker	Wagner	
Doolittle	Loomis	Selkreg	Wagstaff	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend section 1 of chapter 177 of the Laws of 1855, entitled 'An act authorizing the construction of a bridge or dam, or both, across the creek or portion of Niagara river, which separates Tonawanda, or White's Island, from the main land,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate, voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	Starbuck	
Bradley	Hammond	Robertson	Tobey	
Carpenter	Harris	Schoonmaker	Wagner	
Cole	Kennaday	Selkreg	Wagstaff	
Doolittle	Lamont	Sprague	Woodin	
Emerson	Loomis			22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend chapter 374 of the Laws of 1866, entitled 'An act to amend chapter 356 of the Laws of 1837, entitled An act for the appointment of a harbor master for the port of Albany,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Prince	Starbuck
Bradley	Harris	Robertson	Tobey
Carpenter	Kennaday	Schoonmaker	Vedder
Cole	Lamont	Selkreg	Wagner

Doolittle	Loomis	Sprague	Woodin	
Emerson	McCarthy			22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide for the collection of the unpaid assessments for the opening, regulating and grading of Franklin avenue, in the towns of Flatbush and New Utrecht," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Emerson	Prince	Starbuck	
Bradley	Harris	Robertson	Tobey	
Carpenter	Kennaday	Schoonmaker	Vedder	
Cole	Loomis	Selkreg	Wagstaff	
Doolittle	McCarthy	Sprague	Woodin	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend an act entitled 'An act to amend the act entitled An act to revise, amend and consolidate the laws in relation to the village of Norwich, in the county of Chenango,' passed March 23, 1857, and the act amendatory thereto, passed April 3, 1867,' passed April 26, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	Tobey	
Bixby	Emerson	McCarthy	Vedder	
Bradley	Gerard	Schoonmaker	Wagner	
Carpenter	Kennaday	Selkreg	Woodin	
Cole	Lamont	Starbuck		19

#### FOR THE NEGATIVE.

Prince	1
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 330 of the Laws of 1850, entitled 'An act re-incorporating the village of Little Falls by the name of Rockton,' and the laws amendatory thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Loomis	Selkreg
Bixby	Hammond	McCarthy	Starbuck
Bradley	Harris	Robertson	Wagner
Carpenter	Jacobs	Sayre	Wagstaff
Doolittle	Kennaday	Schoonmaker	Woodin
Emerson	Lamont		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act supplemental to chapter 140 of the Laws of 1850, entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' having been announced for a third reading,

On motion of Mr. Bradley, and by unanimous consent, said bill was amended as follows:

Section 1, after the word "association," in line 2, insert the words "within the last fifteen years." Same section, line 7, after the words "any time," insert the words "within one year."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	Vedder
Bixby	Hammond	Morrissey	Wagner
Carpenter	Jacobs	Robertson	Wagstaff
Doolittle	Lamont	Selkreg	Woodin
Emerson	Loomis	Sprague	

19

## FOR THE NEGATIVE.

Prince	Starbuck		
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2

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to provide for the revision of the laws relative to the administration of justice in the district courts of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Loomis	Robertson
Carpenter	Kennaday	Prince	Wagstaff
Doolittle			

9

## FOR THE NEGATIVE.

Bradley	McCarthy	Selkreg	Wagner
Jacobs	Morrissey	Starbuck	Woodin
Lamont	Schoonmaker	Vedder	

11

Mr. Wagstaff moved to reconsider the vote by which said bill was lost, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative

The bill entitled "An act in relation to pilots," having been announced for a third reading,

Mr. Jacobs moved that said bill be recommitted to the committee on commerce and navigation.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Jacobs moved that said bill be recommitted to the committee on commerce and navigation, with instructions to amend as follows :

Insert "plying between parts in this State."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Starbuck
Bixby	Gerard	McCarthy	Vedder
Bradley	Hammond	Morrissey	Wagner
Carpenter	Harris	Sayre	Wagstaff
Doolittle			

17

FOR THE NEGATIVE.

Cole	Kennaday	Robertson	Woodin
Jacobs	Lamont	Schoonmaker	

7

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly returned the bill entitled "An act to extend the time to complete the city and county hall in the city of Buffalo, and the term of the commissioners appointed for that purpose," with a message that they had concurred in the passage of the same, with the following amendments :

Section 1, line 3, engrossed bill, after the word "Buffalo," insert the words "and the county jail of Erie county."

Amend the title so as to read "An act to extend the time to complete the city and county hall in the city of Buffalo, and the county jail of Erie county, and the terms of the commissioners appointed for that purpose."

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bixby	Harris	Prince	Sprague
Bradley	Jacobs	Robertson	Tobey
Carpenter	Kennaday	Sayre	Vedder
Cole	Loomis	Schoonmaker	Wagner
Doolittle	McCarthy	Selkreg	Woodin
Gerard	Morrissey		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the concurrent resolution requesting the Governor to return to the Senate the bill entitled "An act for the collection

of taxes and the sales of land therefor in certain towns of Queens county," with a message that they had concurred therein.

*Ordered*, That the Clerk deliver said resolution to the Governor.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act to confirm the official acts of Wm. J. Merritt, as notary public of Kings county."

"An act to annul or repeal the incorporation of The Clyde and Rose Plank-road Company."

"An act to provide for the adjustment and payment of a deficiency in the State tax of 1874, arising out of the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to provide for the removal of eel weirs and other devices for taking fish from the Delaware river, or of any of its tributaries, and to prevent the maintenance of such devices."

"An act authorizing the inhabitants of school district No. 8, in the town of Pike, county of Wyoming, to sell a portion of their school-house site."

*Ordered*, That the Clerk return said bills to the Assembly.

Mr. Gerard moved that the Assembly bill entitled "An act to provide for the revision of the laws relative to the administration of justice in the district courts of the city of New York," be printed as amended in the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Gerard offered the following:

*Whereas*, The Constitution of this State imposed the duty on the Legislature of determining the Senate districts, and apportioning the members of Assembly, in accordance with the enumeration of the last census; and,

*Whereas*, Said duty was not performed by the Legislature during the last year; and,

*Whereas*, The present session is drawing to a close, and no meeting of the committee on apportionment has been held to consider the above matters; therefore,

*Resolved*, That the questions of the determination of Senate districts, and the apportionment of members of Assembly, and any bills introduced for the above purposes, be referred to the committee of the whole, and that said committee on apportionment be hereby discharged from the consideration of the above matters.

Mr. Robertson moved that said resolution be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Harris	Schoonmaker	Wagner
Bixby	McCarthy	Selkreg	Wellman
Doolittle	Robertson	Sprague	Woodin
Emerson	Sayre	Vedder	

## FOR THE NEGATIVE.

Bradley  
Gerard  
Hammond

Jacobs  
Kennaday  
Lamont

Loomis  
Morrissey

Starbuck  
Wagstaff

10

Mr. Schoonmaker offered the following:

*Resolved*, That a respectful message be sent to the Honorable the Assembly, requesting that body to return to the Senate Assembly bill No. 296, entitled "An act to amend chapter 766 of the Laws of 1868, entitled 'An act to empower Ulster Lodge No. 59 of the Independent Order of Odd Fellows of the State of New York, in the village of Saugerties, and county of Ulster, to hold and convey real estate, and constitute the same a corporation.'"

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

The Senate then resolved itself into a committee of the whole and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act further to amend chapter 487 of the Laws of 1862, entitled 'An act defining and regulating the powers, duties and compensation of the captain of the port and harbor masters of the port of New York.'"

Assembly, "An act further to amend chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish.'"

"An act to incorporate the Buffalo Pipe Line Company."

After some time spent therein, the President resumed the chair, and Mr. Schoonmaker, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Schoonmaker, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Schoonmaker, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Tobey, from the committee on railroads, to which was referred the bill entitled "An act to amend an act entitled 'An act to change the time of payment of certain railroad bonds of the town of Plattsburgh, executed in aid of the New York and Canada Railroad Company, and to issue other bonds in place thereof, passed May 13, 1876,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Emerson moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act to amend an act entitled 'An act for the incorporation of societies or clubs for certain social and recreative purposes,' passed April 11, 1865," and that the same be recommitted to the committee on miscellaneous corporations.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Gerard, and by unanimous consent, the rules were suspended and the bill entitled "An act to provide for stability of con-

struction and security against conflagration, panic or other accident in theaters hereafter to be erected in the city of New York," was ordered considered in first committee of the whole.

On motion of Mr. Cole, and by unanimous consent, the rules were suspended and the Assembly bill entitled "An act to prohibit the interment of the dead in the burial ground belonging to the society of the First Methodist Episcopal Church of the town of Carlton, Orleans county, located at Kuckville, in said town, and to authorize the removal of the dead from said ground," was ordered considered in first committee of the whole.

On motion of Mr. Kennaday, and by unanimous consent, the rules were suspended, and the Senate in open executive session confirmed the nominations of certain notaries public.

On motion of Mr. Kennaday, and by unanimous consent, the rules were suspended, and the Clerk was directed to transmit said confirmations to the Governor to-day.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bill entitled as follows:

"An act to provide for stability of construction and security against conflagration, panic or other accident in theaters hereafter to be erected in the city of New York."

After some time spent therein, the President resumed the chair, and Mr. Doolittle, from said committee, reported progress on the said named bill, and asked leave to sit again.

Mr. Woodin moved that said bill be referred to a select committee composed of the Senators from the city of New York.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Vedder, from the committee on Indian affairs, to which was referred the Assembly bill entitled "An act in relation to the manual labor school upon the Tonawanda reservation," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to abolish the office of trustees of the town of Glenville, in the county of Schenectady, and to confer the powers now vested in the said trustees in the supervisor of said town of Glenville," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to provide for deficiencies in appropriations for the poor in the county of Kings, for raising and disbursing the moneys of said county, and to regulate the powers and duties of officials in incurring obligations against said county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Prince, from the committee on commerce and navigation, to which was referred the bill entitled "An act to amend chapter 269 of the Laws of 1872, entitled 'An act authorizing the construction of a bridge across the Hudson river at the city of Albany, and incorporating the Albany and Greenbush Bridge Company,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

On motion of Mr. Bradley, the Senate adjourned.



THURSDAY, MAY 10, 1877.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Smart.

The journal of yesterday was read and approved.

The President presented the following, which was ordered entered upon the journal.

*Resolved*, That this board, in the name of its constituents, the people of New York, solemnly protests against the passage, by the Legislature, of the proposed amendments to the State Constitution which, in violation of the principle of universal suffrage, the corner-stone of Republican government, proposes to disfranchise a large portion of the most intelligent and worthy citizens of this city.

Adopted by the board of aldermen, unanimously, April 26, 1877.

Received from his Honor the Mayor May 7, 1877, without his approval or objection thereto; therefore, as provided in section 11, chapter 335, Laws of 1873, the same became adopted.

FRANCIS J. TWOMEY,

*Clerk Common Council.*

Mr. Doolittle presented a petition of citizens of Pulaski, for teachers' classes in academies; which was read and referred to the committee on literature.

Mr. Selkreg presented a petition upon the same subject; which was read and referred to the committee on literature.

Mr. Wagner presented two remonstrances of members of the bar of Saratoga county, against the Code of Remedial Justice; which were read and referred to the committee on the judiciary.

Mr. Cole, from the committee on canals, to which was referred the Assembly bill entitled "An act to provide for the introduction of the 'Stevenson traction system of towage' on the Erie canal," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Cole, from the committee on canals, to which was referred the bill entitled "An act to provide for the sale and disposition of certain lateral canals of this State, and the lands, rights and other property connected therewith," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Prince, from the committee on commerce and navigation, to which was referred the bill entitled "An act to prohibit the throwing of cinders, ashes, refuse and garbage into the waters of Long Island sound, and into the bays and harbors opening into the same," reported in favor of the passage of the same.

On motion of Mr. Prince, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading, and to be printed.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act relating to pipe line companies and supplemental to chapter 611 of the Laws of 1875, entitled 'An act to

provide for the organization and regulation of certain business corporations," reported in favor of the passage of the same, with amendments and the title amended so as to read "An act in relation to pipe line companies," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to incorporate the New York and Western Pipe Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend chapter 6, part 1, title 3, article 3, section 21 of the Revised Statutes," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend article 3, title 3, chapter 6, part 1, of the Revised Statutes, in relation to inspectors of election in cities and towns," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize the acts of J. Marshall Guion, a justice of the peace of the town of Seneca Falls, in the county of Seneca," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Starbuck, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to authorize the transfer of certain real estate to the Seminary of Our Lady of Angels," reported in favor of the passage of the same.

On motion of Mr. Sprague, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

A message was received from the Governor in the words following:

STATE OF NEW YORK,  
EXECUTIVE CHAMBER — ALBANY, *May 9, 1877.* }

*To the Senate:*

In accordance with a joint resolution of the Senate and Assembly, I return herewith for amendment Senate bill No. 228, entitled "An act in relation to the collection of taxes and the sales of land therefor in certain towns of Queens county."

L. ROBINSON.

Mr. Prince moved that said bill be retransmitted to the Governor.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly sent for concurrence the bills entitled as follows:

"An act to release to Louisa Pecott, of Oswego city, New York, formerly Louisa Daigneau of the same place, the title and interest of the people of the State of New York in the real estate of which Joseph Daigneau of Oswego died possessed," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend the statutes in reference to the collection of taxes in the different counties in this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to amend chapter 139 of the Laws of 1870, entitled 'An act to annex parts of the towns of Bethlehem and Watervliet, in the county

of Albany, to the city of Albany, and to exempt such parts thereof from certain taxes, and to annex a part of the city of Albany to the town of Watervliet,' passed April 6, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the erection and division of towns and counties.

"An act to authorize the trustees of the village of Saratoga Springs to remove the bodies buried in the Nelson street burying ground or cemetery," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Morrissey, and by unanimous consent, the rules were suspended, and said bill was ordered considered in first committee of the whole.

"An act to prevent frequent changes of text-books," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act for the relief of Charles R. Hoesslie and Caroline Hackett, adopted children of Jacob Hoesslie and Margaretha Hoesslie, deceased," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to establish the weight of a dozen of eggs and to establish an equivalent in weight to a count by the dozen," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

"An act to legalize the official acts and proceedings of J. Henry Underhill, a justice of the peace of the town of Boston, in the county of Erie," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize the Orange county asylum for the chronic insane to receive patients or inmates from adjoining counties," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to regulate the sale of goods at public auction in the several cities in this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on manufactures.

"An act in relation to the repairing of streets, south of Fourteenth street, in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act in relation to town accounts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend section 1, chapter 316 of the Laws of 1876, entitled 'An act relative to judgments entered upon forfeited recognizances in the city and county of New York,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors,' passed June 5, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend chapter 214 of the Laws of 1859, entitled 'An act authorizing Jonathan Preston to establish and continue a ferry across

Deering's harbor, from Greenport to Shelter Island,' passed April 9, 1859," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to empower the board of supervisors of Suffolk county to appoint three commissioners to locate an inlet from the Atlantic ocean to the Shinnecock bay, in said county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to amend 'An act to amend the charter of the city of Brooklyn, and the various amendments thereof, passed June 28, 1873, and to further amend the charter of the city of Brooklyn, as amended by an act for that purpose passed June 1, 1874, and as further amended by an act for that purpose, entitled An act to amend the charter of the city of Brooklyn, being the act for that purpose passed June 28, 1873, and the act for that purpose, passed June 1, 1874,' passed June 21, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to repeal an act entitled 'An act to alter the map or plan of the city of New York by laying out thereon a parade ground, and to authorize the taking of the same,' passed April 20, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend chapter 703 of the Laws of 1873, entitled 'An act to authorize the extension of railroad tracks on Buffalo avenue and other streets and avenues in the city of Brooklyn, and the county of Kings,' passed June 10, 1873," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act in regard to the instruction of common school teachers in academies and union schools, and to the establishment of examinations by the Regents of the University as to attainments in learning," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act making a gratuity to the survivors of certain Shinnecock Indians, who were lost upon the wreck of the steamer 'Circassian,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to confirm, reduce and levy a certain assessment for improving part of Union street, in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act authorizing the taxation of stockholders of banks, and the surplus funds of savings banks," which was read the first time, and by unanimous consent was also read the second time.

Mr. Hammond moved that said bill be referred to the committee on finance.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bixby	Hammond	Schoonmaker	Starbuck
Bradley	Kennaday	Selkreg	Tobey
Emerson	Moore	Sprague	Woodin
Gerard	Morrissey		

## FOR THE NEGATIVE.

Baaden	Doolittle	Prince	Wagner
Carpenter	Lamont	Robertson	Wagstaff
Cole	Loomis	Sayre	

11

The Assembly returned, pursuant to resolution, the Assembly bill entitled "An act to amend chapter 786 of the Laws of 1868, entitled 'An act to empower Ulster Lodge No. 59 of the Independent Order of Odd Fellows of the State of New York, in the village of Saugerties and county of Ulster, to hold and convey real and personal estate, and constitute the same a corporation.'"

Mr. Schoonmaker moved to reconsider the vote by which said bill was passed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Lamont	Selkreg
Bixby	Harris	Moore	Sprague
Bradley	Jacobs	Morrissey	Starbuck
Cole	Kennaday	Schoonmaker	Tobey
Doolittle			

17

On motion of Mr. Schoonmaker, and by unanimous consent, said bill was amended by restoring the bill as it passed the House.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Jacobs	Morrissey	Selkreg
Bradley	Kennaday	Robertson	Starbuck
Doolittle	Loomis	Sayre	Tobey
Gerard	McCarthy	Schoonmaker	Wagstaff
Hammond			

17

## FOR THE NEGATIVE.

Bixby	
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1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly returned the bill entitled "An act to postpone the levy of a tax to pay bonds issued by the city of Oswego, to facilitate the construction of the New York and Oswego Midland Railroad, not yet matured, and to authorize the issue of new bonds in place thereof," with a message that they had concurred in the passage of the same, with the following amendments:

Section 1, line 1, strike out the words "the city of Oswego," commence the word "the," with a capital "T." Same section, line 2, after the word "appointed," insert the words "for the city of Oswego." Strike out all of section 2.

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Selkreg	
Bixby	Emerson	Morrissey	Sprague	
Bradley	Gerard	Robertson	Starbuck	
Carpenter	Kennaday	Sayre	Tobey	
Cole	Loomis	Schoonmaker	Wagstaff	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to authorize the town of Wilna, in the county of Jefferson, to re-issue bonds to redeem and pay the bonds issued by said town in aid of the Utica and Black River Railroad Company, by virtue of chapter 624 of the Laws of 1866," with a message that they had concurred in the passage of the same, with the following amendment:

Section 2, line 5, strike out the word "ten," and insert the word "twenty."

The President put the question whether the Senate would concur in said amendment, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Loomis	Schoonmaker	
Bixby	Hammond	Moore	Sprague	
Bradley	Harris	Morrissey	Starbuck	
Carpenter	Kennaday	Robertson	Tobey	
Doolittle	Lamont	Sayre	Wagstaff	
Emerson				21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act to release and convey to Caroline Kerts the interest of the people of the State of New York in certain real estate in the city of Brooklyn."

"An act to amend chapter 288 of the Laws of 1874, entitled 'An act to incorporate societies for the improvement of poultry, small birds, domestic animals and fish culture.'"

"An act to enable Long Island City to refund a portion of its New-town debt."

"An act to repeal chapter 142 of the Laws of 1873, entitled 'An act to amend chapter 97 of the Laws of 1869, entitled An act to incorporate the trustees of the Minard fund for the benefit of widows and orphans of deceased preachers of the Genesee annual conference.'"

"An act to release and convey to Mary Graham the interest of the people of the State of New York in certain real estate."

"An act in relation to the recorder's court of the city of Utica."

"An act further to amend chapter 510 of the Laws of 1869, entitled 'An act to amend an act entitled An act to incorporate the village of Flushing, passed April 15, 1837, and the several acts amendatory thereof,' passed March 20, 1857."

"An act regulating the payment of school moneys apportioned to the several counties of the State."

"An act to repeal chapter 74 of the Laws of 1866, entitled 'An act to create a metropolitan sanitary district and board of health therein, for the preservation of life and health, and to prevent the spread of disease,' so far as relates to Queens county, and to provide for the appointment of boards of health in the several towns of Newtown, Flushing and Jamaica, in said county, and defining their powers and duties."

"An act to amend the Revised Statutes relating to the assessment and collection of taxes."

"An act in relation to proceedings in the surrogate's court of the county of Erie, and to the powers and jurisdiction of the surrogate thereof."

"An act to punish trespassing on railroads."

"An act authorizing the supervisor of the town of Newtown, Queens county, to issue and exchange certain bonds."

"An act to incorporate the Cathedral of the Incarnation, in the diocese of Long Island."

"An act to amend chapter 651 of the Laws of 1870, entitled 'An act to provide for the election of a receiver of taxes and assessments for the town and village of Lansingburgh, in the county of Rensselaer.'"

"An act to release the interest of the people of the State of New York in the real estate of which Thomas Smith, late of the city of Albany, died seized, to Thomas Scally of the city of Albany."

"An act in respect to the printed minutes of the proceedings of the common council of the city of Buffalo."

"An act establishing a ferry from Essex village, in the county of Essex, across Lake Champlain to the town of Charlotte, in the State of Vermont."

"An act to amend chapter 588 of the Laws of 1874, entitled 'An act to lay out and improve a public highway or avenue and concourse in continuation of a public highway or avenue heretofore laid out from Prospect park, in the city of Brooklyn, towards Coney Island, in the county of Kings,' as amended by chapter 489 of the Laws of 1875."

"An act in relation to a fund or property proceeding from the trustees for the Society of United Christian Friends, in the city of New York, a religious corporation, or from the congregation or society of said corporation."

"An act to amend chapter 107 of the Laws of 1877, entitled 'An act in relation to the Superintendent of State prisons, and for the more efficient and economical management of said prisons.'"

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the bill entitled as follows:

"An act to extend the time to complete the city and county hall in the city of Buffalo, and the county jail of Erie county, and the term of the commissioners appointed for that purpose."

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly returned the bill entitled "An act to amend chapter 371 of the Laws of 1875, entitled 'An act to conform the charters of all savings banks or institutions for savings, to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks for their supervision and for the administration of their affairs,' " with a message that they had agreed to the report of the committee of conference thereon.

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to enable the city of Brooklyn to acquire certain lands lying in Atlantic avenue, decided to be the property of the heirs of John Cowenhoven."

"An act in relation to countersigning warrants for payments from the treasury of the city of New York."

"An act establishing a ferry from Barber's Point, in the town of Westport, in the county of Essex, across Lake Champlain."

"An act to amend chapter 65 of the Laws of 1871, entitled 'An act to revise and consolidate the laws in relation to the village of Geneva, in the county of Ontario.'"

"An act further to amend chapter 77 of the Laws of 1870, entitled 'An act to amend the act to combine into one act the several acts relating to the city of Albany, passed April 12, 1842, and the several acts amendatory thereof, so far as they relate to the city of Albany.'"

"An act making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canals, for the fiscal year commencing on the first day of October, 1877."

"An act in relation to certain matters and proceedings in surrogates' courts, in cases of disqualification."

"An act making an appropriation to pay certain awards made by the Canal Appraisers, and to pay counsel employed on behalf of the State; also, re-appropriating money to pay certificates of indebtedness outstanding."

*Ordered*, That the Clerk return said bills to the Assembly.

Mr. Bradley introduced a bill entitled "An act to legalize and confirm the drawing of the names of persons to serve as jurors," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Bradley, and by unanimous consent, the rules were suspended and said bill was ordered to a third reading.

Mr. Carpenter, from the special committee appointed to investigate the charges against Senator Wm. B. Woodin, presented a report thereon with accompanying testimony.

Mr. Gerard moved that the report of the committee be agreed to.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Selkreg
Bixby	Hammond	Morrissey	Sprague
Bradley	Harris	Prince	Starbuck
Carpenter	Jacobs	Robertson	Tobey
Cole	Kennaday	St. John	Vedder
Coleman	Lamont	Sayre	Wagstaff
Doolittle	Loomis	Schoonmaker	Wellman
Emerson	McCarthy		

30

(See Doc. No. 58.)

The Assembly returned the bill entitled "An act to amend chapter 36 of the Laws of 1873, entitled 'An act to provide for a supply of water in the city of Yonkers,'" with a message that they had concurred in the passage of the same, with the following amendment:

Add as section 3.

"§ 3. Whenever in the judgment of the water commissioners the supply of water provided under the act hereby amended shall exceed the needs



of the city of Yonkers, the said water commissioners shall have power to contract with any corporation or corporations, municipal or otherwise, or person or persons, without said city, to supply to such corporation or person such water, and to supply and deliver such water under such contract. Such water shall be delivered at such place or places under such conditions, upon such terms, and for such compensation, and during such time as may be determined by such water commissioners."

The President put the question whether the Senate would concur in said amendment, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Schoonmaker	
Bixby	Harris	Moore	Selkreg	
Bradley	Jacobs	Morrissey	Tobey	
Carpenter	Kennaday	Prince	Vedder	
Cole	Lamont	Robertson	Wagstaff	
Coleman	Loomis	Sayre	Wellman	24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act further to amend chapter 487 of the Laws of 1862, entitled 'An act defining and regulating the powers, duties and compensation of the captain of the port and harbor masters of the port of New York.'"

"An act to incorporate the Buffalo Pipe Line Company."

Mr. Coleman offered the following:

*Resolved* (if the Assembly concur), That a respectful message be sent to his Excellency the Governor, requesting the return to the Senate of Senate bill No. 108, entitled "An act to amend chapter 30 of the Laws of 1876, entitled 'An act to amend chapter 520 of the Laws of 1870, entitled An act to establish and maintain a police force in the city of Troy,' and to increase the powers and duties of the police commissioners of said city," for the purpose of amendment.

*Ordered*, That said resolution be laid upon the table.

The bill entitled "An act further to amend chapter 487 of the Laws of 1862, entitled 'An act defining and regulating the powers, duties and compensation of the captain of the port and harbor masters of the port of New York,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Sprague	
Bixby	Gerard	Prince	Tobey	
Bradley	Kennaday	Robertson	Vedder	
Carpenter	Lamont	Schoonmaker	Wagstaff	
Coleman	Loomis	Selkreg	Wellman	
Doolittle	McCarthy			22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the Buffalo Pipe Line Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Morrissey	Starbuck	
Bradley	Hammond	Robertson	Tobey	
Carpenter	Jacobs	St. John	Vedder	
Coleman	Kennaday	Schoonmaker	Wagstaff	
Doolittle	Lamont	Selkreg	Wellman	
Emerson	Loomis	Sprague		23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Jacobs offered the following:

*Resolved*, That a respectful message be sent to the Assembly requesting the return of Senate bill No. 309, supplemental to the general railroad law.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to further amend chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,'" having been announced for a third reading,

On motion of Mr. Jacobs, and by unanimous consent, said bill was amended as follows:

Section 1, lines 18 and 19, printed bill, strike out the words "it shall be lawful for any person to shoot or kill any dog while in pursuit of any deer, in violation of the provisions of this act."

On motion of Mr. Gerard, and by unanimous consent, said bill was amended as follows:

"The exemption from imprisonment shall not apply to persons having in their possession such prohibited articles, who shall at the same time be found with the implements of fishing or shooting in their hands."

On motion of Mr. Schoonmaker, and by unanimous consent said bill was amended by restoring the item stricken out on motion of Mr. Jacobs.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Hammond	Prince	Sprague
Bradley	Harris	Robertson	Starbuck
Cole	Jacobs	Sayre	Tobey
Doolittle	Kennaday	Schoonmaker	Vedder

Emerson  
GerardLamont  
Loomis

Selkreg

Wagstaff

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

On motion of Mr. Schoonmaker, and by unanimous consent, the rules were suspended, and the bill entitled "An act to amend title 5 of chapter 1, part 3, of the Revised Statutes, in relation to the jurisdiction of courts of sessions," was ordered considered in first committee of the whole.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to prohibit the interment of the dead in the burial ground belonging to the society of the First Methodist Episcopal Church of the town of Carlton, Orleans county, located at Kuckville, in said town, and to authorize the removal of the dead from said ground."

"An act to incorporate the New York Pipe Company."

"An act to amend title 5 of chapter 1 of part 3 of the Revised Statutes, in relation to the jurisdiction of courts of sessions."

After some time spent therein, the President resumed the chair, and Mr. McCarthy, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. McCarthy, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. McCarthy, from the same committee, reported in favor of the passage of the last named bill.

On motion of Mr. Schoonmaker, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Hammond	Moore	Selkreg	
Bradley	Harris	Morrissey	Sprague	
Cole	Jacobs	Robertson	Starbuck	
Doolittle	Kennaday	Sayre	Wagstaff	
Gerard	McCarthy	Schoonmaker	Woodin	20

#### FOR THE NEGATIVE.

Bixby	Prince	2
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*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly returned the resolution requesting the Governor to return to the Senate the bill entitled "An act to amend chapter 30 of the Laws of 1876, entitled 'An act to amend chapter 520 of the Laws of 1870, entitled An act to establish and maintain a police force in the city of Troy, and to increase the powers and duties of the police commissioners of said city,'" with a message that they had concurred therein.

*Ordered,* That the Clerk deliver said bill to the Governor.

The Assembly returned the bill entitled "An act in relation to the compensation of the several officers, keepers, guards, matrons and teachers of the Sing Sing, Auburn and Clinton prisons, and the superintendent of the State Lunatic Asylum for Insane Convicts at Auburn," with a message that they had concurred in the passage of the same, with the following amendments:

Section 1, line 7, strike out the words "thirty-five hundred" and insert in lieu thereof, "three thousand and five hundred."

Same section, lines 8 and 9, strike out the words "twenty-five hundred," and insert the words "two thousand." Same section, line 11, strike out the words "twenty-five hundred," and insert the words "two thousand." Line 12, strike out the words "twenty-five hundred," and insert the words "two thousand." Line 28, strike out letter "A," and insert the word "per." before "year." Line 34, strike out the words "fifteen hundred," and insert the words "two thousand."

Insert as section 3 the following:

"§ 3. The interest on convict deposits shall hereafter be paid at the rate of five per centum per annum."

Amend title by adding thereto the words "and to fix the rate of interest to be paid on convict deposits."

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Hammond	Morrissey	Selkreg
Bradley	Harris	Prince	Sprague
Carpenter	Jacobs	Robertson	Starbuck
Cole	Kennaday	Sayre	Wagstaff
Doolittle	McCarthy	Schoonmaker	Woodin
Gerard	Moore		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

Mr. Jacobs moved to take from the table the motion to reconsider the vote by which the Assembly bill entitled "An act entitled an act to amend the charter of the Arctic Fire Insurance Company of New York, and to extend the powers and privileges thereof," was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to reconsider the vote by which said bill was lost, and it was decided in the affirmative.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Kennaday	Robertson
Bixby	Emerson	Morrissey	Sprague
Carpenter	Jacobs	Prince	Wagstaff

12

FOR THE NEGATIVE.

Bradley	Harris	Schoonmaker	Starbuck
Gerard	McCarthy	Selkreg	Woodin
Hammond	Sayre		

10

By unanimous consent the rules were suspended and Mr. Jacobs moved that the vote by which said bill was lost be reconsidered.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Jacobs moved that said bill be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Moore, the Senate took a recess until half-past seven o'clock P. M.

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### HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

On motion of Mr. Selkreg, and by unanimous consent, the rules were suspended and the bill entitled "An act empowering the railroad commissioners of the town of Ithaca, Tompkins county, to issue bonds bearing interest, not exceeding six per cent, to take up bonds heretofore issued by said town in aid of the construction of the Ithaca and Athens railroad," was ordered considered in first committee of the whole.

On motion of Mr. Emerson, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act authorizing and empowering the common council of the city of Rochester to construct a turn-table or swing-bridge over the Erie canal, in Allen street, in the city of Rochester," was ordered considered in first committee of the whole.

On motion of Mr. Moore, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act to amend section 3, article 2, title 6, chapter 6, part 1 of the Revised Statutes, in relation to the election of President and Vice-President," was ordered considered in first committee of the whole, not full.

On motion of Mr. Harris, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act to amend article 3, title 3, chapter 6, part 1 of the Revised Statutes, in relation to inspectors of election in cities and towns," was ordered considered in first committee of the whole, not full.

On motion of Mr. Wagner, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act authorizing the trustees of the village of Saratoga Springs to make certain expenditures for the purpose of purchasing hose and erecting a fire alarm telegraph," was ordered to a third reading.

On motion of Mr. Bradley, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act in relation to the First Society of the Methodist Episcopal Church in the village of Watkins, Schuyler county, New York," was ordered to a third reading.

Mr. Starbuck offered the following:

*Resolved* (if the Assembly concur), That the Canal Board be and they hereby are authorized to establish such toll sheet on the Black River canal as the Canal Board shall deem proper, whether such tolls be above or below the toll sheet of 1852.

*Ordered*, That said resolution be referred to the committee on canals.

On motion of Mr. Sprague, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act to authorize the

mayor and common council of the city of Buffalo to make an appropriation to re-imburse claimants for advances made to construct building for Taylor Hose Company No. 1 of Buffalo," was ordered to a third reading.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act empowering the railroad commissioners of the town of Ithaca, Tompkins county, to issue bonds bearing interest, not exceeding six per cent, to take up bonds heretofore issued by said town in aid of the construction of the Ithaca and Athens railroad."

Assembly, "An act authorizing and empowering the common council of the city of Rochester to construct a turn-table or swing-bridge over the Erie canal, in Allen street, in the city of Rochester."

Assembly, "An act to authorize the trustees of the village of Saratoga Springs to remove the bodies buried in the Nelson street burying ground or cemetery."

After some time spent therein, the President resumed the chair, and Mr. Loomis, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Loomis, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered to a third reading.

By unanimous consent, Mr. Gerard asked and obtained leave to introduce a bill entitled "An act in relation to the leasing of ferries in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Gerard asked and obtained leave to introduce a bill entitled "An act to incorporate 'The Home for Destitute Children and Infant Delinquents,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

By unanimous consent, Mr. Wagner asked and obtained leave to have his name entered upon the journal as voting in the affirmative, in agreeing to the report of the committee in matter of the charges against Senator Wm. B. Woodin.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to amend article 3, title 3, chapter 6, part 1 of the Revised Statutes, in relation to inspectors of election in cities and towns."

"An act to prevent fraud in the sale or exchange of merchandise."

Assembly, "An act to amend section 3, article 2, title 6, chapter 6, part 1 of the Revised Statutes, in relation to the election of President and Vice-President."

After some time spent therein, the President resumed the chair, and Mr. Doolittle, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Doolittle, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Doolittle, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

A message was received from the Governor in the words following :

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, *May*, 1877. }

*To the Senate :*

In accordance with a joint resolution of the Senate and Assembly, I return herewith for amendment Senate bill No. 108, entitled "An act to amend chapter 30 of the Laws of 1876, entitled 'An act to amend chapter 520 of the Laws of 1870, entitled An act to establish and maintain a police force in the city of Troy, and to increase the powers and duties of the police commissioners of said city.'" L. ROBINSON.

The President put the question whether the Senate would agree to reconsider the vote by which said bill was passed, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bixby	Gerard	Morrissey	Sprague	
Bradley	Hammond	Prince	Starbuck	
Carpenter	Harris	Robertson	Vedder	
Cole	Jacobs	St. John	Wagner	
Coleman	Loomis	Sayre	Wagstaff	
Doolittle	McCarthy	Schoonmaker	Wellman	
Emerson	Moore	Selkreg	Woodin	28

On motion of Mr. Coleman, and by unanimous consent, said bill was amended as follows :

Section 1, line 10, after "§ 8," insert the words "Section 33 of said act is hereby amended so as to read as follows : § 33."

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Sprague	
Bixby	Hammond	Prince	Starbuck	
Bradley	Harris	Robertson	Vedder	
Carpenter	Jacobs	St. John	Wagner	
Cole	Lamont	Sayre	Wagstaff	
Coleman	Loomis	Schoonmaker	Wellman	
Doolittle	McCarthy	Selkreg	Woodin	
Emerson	Moore			30

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein, as amended.

Mr. Prince presented the following :

*To the Senate and Assembly :*

The committee of conference of the Senate and Assembly appointed to consider the matters of difference between the two Houses in relation to Senate bill 205, entitled "An act to amend chapter 448 of the Laws of 1876, entitled 'An act relating to courts, officers of justice and civil proceedings, and to provide for the publication of the act as amended,'" respectfully report :

That they have met and conferred together and fully and freely discussed the subject referred to them.

That while the precise matter so referred was contained in two sections of the bill above named, yet they could not be unmindful of the fact that subjects of far greater scope and importance were involved in its consideration.

The circumstances of this bill are peculiar. It is but one of a series of bills, all constituting or relating to the portion of the revision of the statutes of the State, generally known as the Code of Civil Procedure or the Code of Remedial Justice. Thirteen chapters of this work were enacted last year, as chapter 448 of the Laws of 1876, which, by the terms of that act, were to take effect May 1, 1877.

The Senate this year has had under consideration four bills on this subject (three of which have passed that body, as follows):

1. No. 205. Amending chapter 448 of the Laws of 1876. This includes about 275 amendments, many of them of great importance, including all the improvements which have been suggested by jurists, bar associations and individual lawyers during the past year, and the whole of which it is conceded, makes the thirteen chapters of the Code adopted a year ago far more valuable as well as popular.

This bill, as it comes from the Senate, was to take effect October 1, 1877, the intention of that body being that the Code of 1876 should be made to take effect at that date.

A number of amendments were made to this bill by the Assembly, all of which the Senate concurred in except two, one relating to certain officers in Erie county, and one which postponed the operation of the thirteen chapters of the revision passed in 1876, to May 1, 1878.

2. No. 306. An act containing nine more chapters of the revision, and forming with the act of 1876, the entire Code of Procedure.

3 and 4. Nos. 223 and 316. The repeal bills necessary to accompany the twenty-two chapters constituting the Code, and repealing all acts, sections and provisions inconsistent therewith.

Before the two Houses, one of which had desired the Code of 1876 to become operative on October 1, 1877, and the other on May 1, 1878, had had an opportunity to reconcile that difference, the 1st of May, 1877, had arrived, and so, without the action of either House, the law of 1876 went into effect, constituting but a portion of the system contemplated by the revisors, entirely without amendment, and unexpectedly and without warning to the legal profession throughout the State.

Your committee, in considering the subjects intrusted to them, had to recognize the above facts, and also that the actual going into effect of the partial Code of 1876 had made an important change from the position of affairs prior to May 1.

On the one hand, a new system having been partially introduced and legal proceedings, including the empanelling of jurors and other matters in which great precision is required, having taken place under this system, the old system having been to a great degree superseded and by implication repealed by the adoption of the new, any postponement of the operation of the act of 1876 had become far more difficult than before, and its retention was urged by many who had heretofore opposed its early going into effect.

On the other hand, it was conceded that the sudden and unexpected operation of the act of 1876 had greatly embarrassed the legal profession, especially as it was in incomplete and unamended form, and that it was



exceedingly desirable that the whole revised system embracing the entire Code of twenty-two chapters should go into effect simultaneously, and that the accompanying repealing acts should become operative at the same time.

Under these circumstances, knowing the great and general interest felt in the subject throughout the State, and remembering the lateness of the present period in the session, your committee felt that neither their duties nor responsibilities could be limited to the two sections technically referred to them, but that the Legislature and the people had a right to expect that they would consider and report, if possible, some comprehensive plan of agreement between the Senate and Assembly relative to the whole subject of the Code of Procedure.

After much consideration therefore, they beg to submit the following recommendations in connection therewith:

1. That as to Senate bill No. 205, the Assembly do recede from its two proposed amendments and that the Senate and Assembly do concur in an amendment to section 4, striking out the word "immediately" and inserting "September 1, 1877." This will put into effect the amendments to the act of 1876 on September 1, 1877.

2. That a bill be passed suspending the action and effect of the chapter 448 and 449 of the Laws of 1876 (constituting the first thirteen chapters of the Code) until September 1, 1877. Such bill to protect the rights of all parties who have acted under such Code from May 1, 1877, to the day of passage thereof. (The date, September 1, is selected because many circuit courts are held in September in the rural counties of the State, and the juries for the October circuits in cities are selected in September.)

3. That the nine remaining chapters of the Code and the accompanying repealing act, being Senate bills Nos. 306, 223 and 316 be passed to take effect September 1, 1877.

All of which is respectfully submitted.

L. BRADFORD PRINCE,  
B. P. CARPENTER,  
D. P. LOOMIS,

*Senate Committee.*

ROBT. H. STRAHAN,  
JAS. W. HUSTED,  
WALTER T. L. SANDERS,

L. C. LANG,

*Assembly Committee.*

I concur in the foregoing report excepting the last recommendation contained therein.

I. H. MAYNARD.

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Baaden	Gerard	Robertson	Vedder
Bixby	Lamont	St. John	Wagner
Bradley	Loomis	Schoonmaker	Wagstaff
Carpenter	McCarthy	Sprague	Wellman
Coleman	Moore	Starbuck	Woodin
Doolittle	Prince		

22

FOR THE NEGATIVE.

Cole	Harris	Sayre	Selkreg
Emerson	Jacobs		

6

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference thereon.

Mr. Prince offered the following :

*Resolved*, That the judiciary committee be requested to prepare and report, at as early a day as practicable, a bill, as suggested in the report of the conference committee on Senate bill No. 205, this day adopted by the Senate, suspending the operation of the thirteenth chapter of the Code, adopted in 1876, till September 1, 1877.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

On motion of Mr. Bradley the bill entitled "An act to legalize and confirm the drawing of the names of persons to serve as jurors," was announced for a third reading,

On motion of Mr. Bradley, and by unanimous consent, said bill was amended as follows :

Strike out all after the enacting clause and insert as follows :

"Any drawing heretofore or hereafter of the names of persons to serve as jurors at any circuit court, court of oyer and terminer, supreme court, court of common pleas, county court or court of sessions, pursuant to notice heretofore given, and as required by the law, according as it was on the 30th day of April, 1877, is hereby legalized and confirmed, and the jurors so drawn and the juries at any of said courts that may be constituted in whole or in part of the persons so drawn, are hereby declared to be, and shall be legal, effectual and valid.

"§ 2. This act shall take effect immediately."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Hammond	Moore	Sprague
Bixby	Harris	Prince	Starbuck
Bradley	Jacobs	Robertson	Vedder
Carpenter	Kennaday	St. John	Wagner
Coleman	Lamont	Sayre	Wellman
Doolittle	Loomis	Schoonmaker	Woodin
Gerard	McCarthy	Selkreg	27

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the transfer of certain real estate to the Seminary of our Lady of Angels," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	Selkreg
Bixby	Hammond	Moore	Sprague
Bradley	Harris	Robertson	Vedder

Carpenter	Jacobs	St. John	Wagner
Cole	Kennaday	Sayre	Wellman
Doolittle	Lamont	Schoonmaker	Woodin
Emerson	Loomis		

26

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Loomis, from the committee on public printing, to which was referred the resolution to print 2,000 copies of the extract from the tenth annual report of the State Board of Charities, reported in favor of the adoption of the following resolution:

*Resolved* (if the Assembly concur), That there be printed and bound in paper covers two thousand copies of the extract from the tenth annual report of the State Board of Charities, relating to the causes of pauperism, for the use of the board, being the same prepared by Dr. Charles S. Hoyt, secretary of said board; provided, that the cost of such printing does not exceed ten cents per page per 100 copies.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Carpenter	Jacobs	Robertson	Sprague
Cole	Kennaday	St. John	Vedder
Doolittle	Lamont	Sayre	Wagner
Gerard	Loomis	Schoonmaker	Wagstaff
Hammond	McCarthy	Selkreg	Wellman
Harris	Moore		

22

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to authorize the town of Northfield, in the county of Richmond, to raise money to macadamize two public roads in said town, and to provide for the macadamizing thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend chapter 440 of the Laws of 1873, entitled 'An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend chapter 224 of the Laws of 1874, entitled 'An act to repeal chapter 440 of the Laws of 1873, entitled 'An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes, so far as the same relates to the counties of Clinton, Chenango, Seneca, Queens, Orange, Essex, Cayuga, Madison and Steuben,' so far as to exempt the county of Madison from said repealing act," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend the Revised Statutes in relation to the laying out of public roads and the alteration thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act in regard to the instructions of common school teachers in academies and union schools, and to the establishing of examinations by the Regents of the University as to attainments in learning," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act to amend the statutes in reference to the collection of taxes in the different counties of the State," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act in relation to the St. Joseph's Institution for the Improved Instruction of Deaf Mutes, at Fordham, in the county of Westchester," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Doolittle, from the committee on manufactures, to which was referred the Assembly bill entitled "An act to regulate the sale of goods at public auction in the several cities of this State," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act in relation to the repairing of streets south of Fourteenth street, in the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act authorizing the county treasurer of Monroe county to retain certain moneys for the benefit of said county."

Assembly, "An act extending the time for the trustees of the First Presbyterian Church of Waterford to file their claims for damages with the Canal Appraisers."

"An act relative to the leasing of railroads by railroad companies incorporated under the laws of this State."

After some time spent therein the President resumed the chair, and Mr. Vedder, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Vedder, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Woodin moved to take from the table the report of the committee of the whole striking out the enacting clause of the bill entitled "An act to authorize the recovery at law for the use and occupation of premises by the counsel to the corporation of the city of New York, for the use of the law department thereof."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin moved to disagree to the report of the committee, and that said bill be recommitted to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Cole, the Senate adjourned.

FRIDAY, MAY 11, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

The President presented a remonstrance against the building of a steam elevated railroad in Pearl street, New York; which was read and referred to the committee on railroads.

Also, a resolution of the Baptist Ministers' Conference, relative to the excise law; which was read and laid upon the table.

Mr. Doolittle and Mr. Morrissey presented remonstrances against the building of an elevated steam railroad on Pearl street, New York; which were read and referred to the committee on railroads.

Mr. Cole presented a petition of members of the bar of Albion, Orleans county, for a repeal or suspension of the Code of Remedial Justice; which was read and referred to the committee on the judiciary.

Mr. Robertson presented a petition of county judge, district attorney and members of the bar of Onondaga county, in favor of the adoption of Senate amendments to first part of the Code of Remedial Justice; which was read and referred to the committee on the judiciary.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to authorize the transfer of certain real estate to The Seminary of Our Lady of Angels."

"An act to incorporate the New York Pipe Company."

"An act empowering the railroad commissioners of the town of Ithaca, Tompkins county, to issue bonds bearing interest, not exceeding six per cent, to take up bonds heretofore issued by said town in aid of the construction of the Ithaca and Athens railroad."

"An act to legalize and confirm the drawing of the names of persons to serve as jurors."

"An act to prevent fraud in the sale or exchange of merchandise."

"An act relative to arrears of taxes and assessments in the city of Brooklyn."

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors,' passed June 5, 1875," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize the official acts and proceedings of J. Henry Underhill, a justice of the peace of the town of Boston, in the county of Erie," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend section 1 of an act entitled 'An act relating to courts of record and other courts in the city and

county of New York,'” reported in favor of the passage of the same, with amendments, and the title amended so as to read “An act in relation to the clerks of the district court of the city of New York,” and said bill was committed to the committee of the whole.

Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled “An act to amend chapter 896 of the Laws of 1869, entitled ‘An act to incorporate the Crescent Company,’ passed May 17, 1869,” reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled “An act to amend chapter 272 of the Laws of 1864, entitled ‘An act to incorporate the trustees of the Masonic Hall and Asylum fund,’ passed May 21, 1864,” reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the bill entitled “An act to provide for the appropriation of the Congress Hall buildings to the public use,” reported adversely thereto.

Mr. Starbuck moved to disagree with the report, and that said bill be committed to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bixby	Doolittle	Morrissey	Selkreg	
Bradley	Lamont	Sayre	Starbuck	8

FOR THE NEGATIVE.

Baaden	Harris	Moore	Sprague
Carpenter	Jacobs	Prince	Vedder
Cole	Kennaday	Robertson	Wagner
Emerson	Loomis	St. John	Wellman
Gerard	McCarthy	Schoonmaker	Woodin
Hammond			

21

The President then put the question whether the Senate would agree to said report, and it was decided in the affirmative.

Said bill was rejected.

Mr. Harris, from the committee on finance, to which was referred the bill entitled “An act for the relief of Edward Williams,” reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. McCarthy, from the committee on literature, to which was referred the Assembly bill entitled “An act to prevent frequent changes of text-books,” reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Moore, from the committee on agriculture, to which was referred the Assembly bill entitled “An act to establish the weight of a dozen of eggs, and to establish an equivalent in weight to a count by the dozen,” reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled “An act providing for the use of a portion of Washington square at Stapleton, in the village of Edgewater, town of Middletown and county of Richmond, as a site for a county

court-house," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to confirm the election of village trustees in certain cases, and to provide for and determine by lot their respective terms of office," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to provide for the payment of bonds heretofore issued by the village of Middletown, in the county of Orange," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend chapter 514 of the Laws of 1875, entitled 'An act to provide for the election of police justices in villages,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to authorize the trustees of the corporation of the village of Portageville, county of Wyoming, to cause an assessment to be made of the taxable property of said corporation, and to be levied and collected a tax sufficient to pay the indebtedness of said corporation," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Sprague offered the following:

*Resolved* (if the Assembly concur), That section 6 of article 7 of the Constitution be amended so as to read as follows:

The Legislature shall not sell, lease or otherwise dispose of the Erie canal, the Oswego canal, the Champlain canal, or the Cayuga and Seneca canal, but they shall remain the property of the State and under its management forever.

All funds that may be derived from any lease, sale or other disposition of any canal shall be applied in payment of the debt for which the canal revenues are pledged.

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that in conformity with section 1 of article 13 of the Constitution it be published for three months previous to the time of such election.

*Ordered*, That said resolution be laid upon the table.

The bill entitled "An act to prevent fraud in the sale or exchange of merchandise," having been announced for a third reading,

On motion of Mr. Sprague, and by unanimous consent, said bill was amended as follows:

Section 1, line 6, after the word "name," insert the word "thereof."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby  
Bradley

Gerard  
Jacobs

Morrissey  
Prince

Sprague  
Starbuck

Carpenter	Kennaday	Robertson	Vedder	
Coleman	Lamont	St. John	Wagner	
Doolittle	Loomis	Schoonmaker	Wagstaff	
Emerson	McCarthy	Selkreg	Woodin	24

Mr. Sprague moved to reconsider the vote by which said bill was passed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Sprague	
Bixby	Jacobs	Morrissey	Vedder	
Carpenter	Kennaday	Robertson	Wagner	
Cole	Lamont	St. John	Wagstaff	
Doolittle	Loomis	Schoonmaker	Wellman	
Emerson	McCarthy	Selkreg		23

On motion of Mr. Sprague, and by unanimous consent, said bill was amended as follows:

Section 1, line 7, strike out the words "the goods, merchandise," and insert the word "produced." Change "manufacturer" to "manufactured." Line 8, strike out the words "of any," and insert the words "by a."

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Selkreg	
Bradley	Harris	Morrissey	Sprague	
Carpenter	Kennaday	Robertson	Vedder	
Cole	Lamont	St. John	Wagner	
Coleman	Loomis	Sayre	Wagstaff	
Doolittle	McCarthy	Schoonmaker	Woodin	
Emerson				25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Jacobs asked and obtained leave to introduce a bill entitled "An act relative to the arrears of taxes and assessments in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Jacobs, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Harris	Morrissey	Sprague
Bradley	Jacobs	Robertson	Vedder
Carpenter	Kennaday	St. John	Wagner
Coleman	Loomis	Sayre	Wagstaff



Doolittle	McCarthy	Schoonmaker	Wellman	
Emerson	Moore	Selkreg	Woodin	24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the New York Pipe Company," having been announced for a third reading,

On motion of Mr. Vedder, and by unanimous consent, said bill was amended as follows:

Section 4, line 2, printed bill, strike out the word "or," second occurring, and insert same line, after the word "highway," the words "plank-road, turnpike or railroad."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Hammond	Morrissey	Selkreg
Bradley	Harris	Prince	Vedder
Cole	Jacobs	Robertson	Wagner
Doolittle	Kennaday	St. John	Wagstaff
Emerson	McCarthy	Schoonmaker	Woodin
Gerard	Moore		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Emerson moved to take from the table the motion to reconsider the vote by which the Assembly bill entitled "An act to amend chapter 319 of the Laws of 1848, entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies, and to make it applicable to literary societies,'" was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

On motion of Mr. Emerson, and by unanimous consent, said bill was amended as follows:

Section 1, line 7, printed bill, after the word "missionary," insert the words "or mission or other Sunday school." Same line, after the word "purposes," insert the words "or for the purpose of mutual improvement in religious knowledge or the furtherance of religious opinion, or for any two or more of such objects combined." Same section, lines 18 and 19, strike out the words "on the consent in writing of two-thirds of their number," and insert the words "by a vote of two-thirds of the members thereof present and voting at any annual meeting thereof."

Mr. Schoonmaker moved that said bill be recommitted to the committee on miscellaneous corporations.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act empowering the railroad commissioners of the town of Ithaca, Tompkins county, to issue bonds bearing interest, not exceeding six per cent, to take up bonds heretofore issued by said town in aid of the construction of the Ithaca and Athens railroad," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Moore	Sprague
Bradley	Harris	Prince	Vedder
Coleman	Jacobs	Robertson	Wagner
Doolittle	Lamont	St. John	Wagstaff
Emerson	Loomis	Schoonmaker	Woodin
Gerard	McCarthy	Selkreg	23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act authorizing the county treasurer of Monroe county to retain certain moneys for the benefit of said county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, two-thirds of all the members elected to the Senate not voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Starbuck
Carpenter	Harris	Prince	Vedder
Cole	Kennaday	Robertson	Wagner
Coleman	Lamont	Selkreg	Wellman
Doolittle	Loomis	Sprague	19

## FOR THE NEGATIVE.

Bradley	Hammond	Moore	Schoonmaker	4
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Mr. Emerson moved to reconsider the vote by which said bill was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Starbuck
Carpenter	Gerard	Moore	Vedder
Cole	Kennaday	Prince	Wagner
Coleman	Lamont	Selkreg	Wellman
Doolittle	Loomis	Sprague	19

## FOR THE NEGATIVE.

Schoonmaker	1
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The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, two-thirds of all the members elected to the Senate not voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Carpenter	Jacobs	Morrissey	Starbuck
Coleman	Kennaday	Prince	Vedder
Doolittle	Lamont	Robertson	Wagner
Emerson	Loomis	Selkreg	Wagstaff

Gerard	McCarthy	Sprague	Wellman	
Harris				21

## FOR THE AFFIRMATIVE.

Bradley	Hammond	Schoonmaker	Woodin	
Cole				5

By unanimous consent, Mr. Emerson moved that the vote by which said bill was lost be again reconsidered.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, two-thirds of all the members elected to the Senate not voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Lamont	Robertson	
Bixby	Gerard	Loomis	Selkreg	
Carpenter	Harris	McCarthy	Vedder	
Coleman	Jacobs	Morrissey	Wagstaff	
Doolittle	Kennaday	Prince	Wellman	20

## FOR THE NEGATIVE.

Bradley	Moore	Schoonmaker	Wagner	
Cole	St. John	Starbuck	Woodin	
Hammond	Sayre			10

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the passage of the same.

The Assembly bill entitled "An act extending the time for the trustees of the First Presbyterian Church of Waterford, to file their claim for damages with the Canal Appraisers," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Coleman	Lamont	Sprague	
Bixby	Doolittle	Loomis	Vedder	
Bradley	Gerard	McCarthy	Wagner	
Carpenter	Jacobs	Schoonmaker	Wagstaff	
Cole	Kennaday	Selkreg		19

## FOR THE NEGATIVE.

Prince	Robertson	2
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to the First Society of the Methodist Episcopal Church in the village of Watkins, Schuyler county, New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority

of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Loomis	Starbuck
Bixby	Hammond	McCarthy	Vedder
Bradley	Jacobs	Prince	Wagner
Carpenter	Kennaday	Selkreg	Wagstaff
Doolittle	Lamont	Sprague	Wellman
Emerson			

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act in relation to certain moneys belonging to the United States, deposited with the State of New York for safe keeping, generally known as the United States deposit fund," having been announced for a third reading,

Mr. Prince moved that said bill be recommitted to the committee on finance, with instructions to amend the same by striking out all the amendments made in committee of the whole, and restoring the bill to the condition in which it was reported from said committee.

Mr. Moore moved to amend by instructing the committee on finance to strike out the enacting clause.

The President put the question whether the Senate would agree to said amendment, and it was decided in the affirmative.

The President then put the question upon the motion of Mr. Prince, as amended, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Cole	McCarthy	Schoonmaker	Vedder
Hammond	Moore	Selkreg	Wagner
Lamont	Sayre	Starbuck	Wellman

12

## FOR THE NEGATIVE.

Bixby	Emerson	Jacobs	Robertson
Bradley	Gerard	Kennaday	Woodin
Doolittle	Harris	Prince	

11

By unanimous consent, Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to authorize the city of Newburgh to borrow money and issue bonds therefor, for the payment of certain water bonds of said city heretofore issued, and to provide for the payment thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Sprague, from the committee on miscellaneous corporations, to which was recommitted the Assembly bill entitled "An act to amend chapter 319 of the Laws of 1848, entitled 'An act for the incorporation of benevolent charitable societies and missionary societies,' and to make it applicable also to literary societies," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act to amend section 3 of chapter 564 of the Laws of 1875, entitled

An act to amend chapter 122 of the Laws of 1851, entitled 'An act for the incorporation of building, mutual, loan and accumulating fund associations,' passed June 9, 1875," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to amend chapter 820 of the Laws of 1873, entitled 'An act to amend an act entitled An act to suppress intemperance and to regulate the sale of intoxicating liquors,' passed April 16, 1851," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The Assembly bill entitled "An act to authorize the mayor and common council of the city of Buffalo to make an appropriation to reimburse claimants for advances made to construct building for Taylor Hose Company No. 1 of Buffalo," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Harris	Robertson	Sprague
Bradley	Jacobs	St. John	Vedder
Cole	Kennaday	Sayre	Wagner
Doolittle	Lamont	Schoonmaker	Wellman
Emerson	Prince	Selkreg	Woodin
Gerard			

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the trustees of the village of Saratoga Springs to remove the bodies buried in the Nelson street burying ground or cemetery," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Harris	Robertson	Sprague
Bradley	Kennaday	St. John	Vedder
Cole	Lamont	Sayre	Wagner
Doolittle	Morrissey	Schoonmaker	Wagstaff
Emerson	Prince	Selkreg	Woodin
Gerard			

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act authorizing the trustees of the village of Saratoga Springs to make certain expenditures for the purpose of purchasing hose and erecting a fire alarm telegraph," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Robertson	Sprague
Bradley	Kennaday	St. John	Vedder
Cole	Lamont	Sayre	Wagner
Doolittle	Morrissey	Schoonmaker	Wagstaff
Emerson	Prince	Selkreg	Wellman
			20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend article 3, title 3, chapter 6, part 1 of the Revised Statutes, in relation to inspectors of election in cities and towns," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Lamont	Sayre	Vedder
Bradley	Prince	Schoonmaker	Wagner
Cole	Robertson	Selkreg	Wellman
Doolittle	St. John	Sprague	Woodin
Emerson			
			17

## FOR THE NEGATIVE.

Gerard	Kennaday	Morrissey	3
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act authorizing and empowering the common council of the city of Rochester to construct a turn-table or swing-bridge over the Erie canal, in Allen street, in the city of Rochester," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	St. John	Vedder
Bradley	Kennaday	Sayre	Wagner
Cole	Lamont	Schoonmaker	Wagstaff
Doolittle	Prince	Selkreg	Wellman
Emerson	Robertson	Sprague	Woodin
			20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to prohibit the interment of the dead in the burial ground belonging to the society of the First Metho-

dist Episcopal Church of the town of Carlton, Orleans county, located at Kuckville, in said town, and to authorize the removal of the dead from said ground," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Birby	Gerard	St John	Vedder	
Bradley	Kennaday	Sayre	Wagner	
Cole	Lamont	Schoonmaker	Wagstaff	
Doolittle	Prince	Selkreg	Wellman	
Emerson	Robertson	Sprague	Woodin	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Wagner moved that the bill entitled "An act to establish the exterior bulk-head and pier lines of the harbor of New York, on the Staten Island side," be recommitted to the committee on commerce and navigation.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative

Mr. Sayre moved that when the Senate adjourns to-day, it adjourn to meet on Monday evening next at eight o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

**FOR THE AFFIRMATIVE.**

Hammond	Morrissey	Wagstaff	Wellman	
Lamont	Sayre			6

**FOR THE NEGATIVE.**

Bradley	Harris	St. John	Starbuck	
Cole	Jacobs	Schoonmaker	Vedder	
Doolittle	Kennaday	Selkreg	Wagner	
Emerson	Prince	Sprague	Woodin	
Gerard	Robertson			18

On motion of Mr. Woodin, and by unanimous consent, the rules were suspended, and the bill entitled "An act to authorize the recovery at law for the use and occupation of premises by the counsel to the corporation of the city of New York, for the use of the law department thereof," was ordered considered in first committee of the whole.

On motion of Mr. Gerard, and by unanimous consent, the rules were suspended and the bill entitled "An act to amend chapter 222 of the Laws of 1865, entitled 'An act to amend chapter 573 of the Laws of 1853, entitled An act for the more effectual prevention of wanton and malicious mischief, and to prevent the defacement of natural scenery,'" was ordered considered in first committee of the whole, not full.

The Senate then resolved itself into a committee of the whole and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to amend chapter 497 of the Laws of 1870, entitled 'An act to establish a police force in the county of Richmond.'"

"An act to amend chapter 330 of the Laws of 1865, entitled 'An act to incorporate the Butchers' Hide and Melting Association of the city of New York.'"

"An act for the relief of Thomas E. Davis."

After some time spent therein the President resumed the chair, and Mr. Kennaday, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Kennaday, from the same committee, reported progress on the second named bill, and asked and obtained leave to sit again.

Mr. Kennaday, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bill entitled as follows :

"An act to amend chapter 222 of the Laws of 1865, entitled 'An act to amend chapter 573 of the Laws of 1853, entitled An act for the more effectual prevention of wanton and malicious mischief,' and to prevent the defacement of natural scenery."

After some time spent therein, the President resumed the chair, and Mr. Prince, from said committee, reported in favor of the passage of the said named bill, with amendments, and the title amended so as to read "An act for the more effectual prevention of wanton and malicious mischief, and to prevent the defacement of natural scenery," which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Cole, from the committee on canals, to which was referred the concurrent resolution in regard to tolls on the Black River canal, reported the following resolution for the consideration of the Senate :

*Resolved* (if the Assembly concur), That the Canal Board be and they hereby are authorized to establish such toll sheet on the Black River canal, as the Canal Board shall deem proper, whether such tolls be above or below the toll sheet of 1852.

Said resolution was committed to the committee of the whole.

By unanimous consent, Mr. Morrissey asked and obtained leave to introduce a bill entitled "An act to transfer the seat of government to the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public buildings.

On motion of Mr. Prince, the Senate took a recess until four o'clock.

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#### FOUR O'CLOCK, P. M.

The Senate again met.

The Senate resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to authorize railroad corporations to pay commutation money for highway labor to the commissioners of highways of towns."

Assembly, "An act in relation to the maintenance of the chronic insane poor of the county of Clinton."



"An act to provide for the labor assessed by commissioners of highways of the towns of Camden and Annsville, Oneida county."

After some time spent therein, the President resumed the chair, and Mr. Moore, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Moore, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to amend an act entitled 'An act to revise the charter of the city of Buffalo,' passed April 28, 1870."

Assembly, "An act to amend titles 6 and 9 of an act entitled 'An act to revise the charter of the city of Buffalo,' passed April 28, 1870."

Assembly, "An act to amend 'An act to revise the charter of the city of Buffalo,' passed April 20, 1870."

After some time spent therein, the President resumed the chair, and Mr. Selkreg, from said committee, reported progress on the first and second named bills, and asked and obtained leave to sit again.

Mr. Selkreg, from the same committee, reported in favor of the passage of the last named bill, with amendments, and the title amended so as to read "An act to amend chapter 519 of the Laws of 1870, entitled 'An act to revise the charter of the city of Buffalo,'" which report was agreed to, and the same ordered to a third reading.

Mr. Gerard moved that the bill entitled "An act for the more effectual prevention of wanton and malicious mischief, and to prevent the defacement of natural scenery," be recommitted to the committee on roads and bridges, retaining its place in the order of third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to amend an act entitled 'An act to facilitate the construction of railroads and tram roads within the counties of Essex and Clinton, and to authorize the formation of companies therefor,' passed April 14, 1875, and to extend the same to all counties of this State, except New York, Kings, Erie and Niagara."

"An act to make further provision for the payment of further expenses of the local government of the city of New York."

Assembly, "An act to release to Marion Carr and Adelia S. Perry, the daughters and only heirs at law of Miles Perry, the title and interest of the people of the State of New York in certain real estate in the town of Riga and county of Monroe."

After some time spent therein, the President resumed the chair, and Mr. Carpenter, from said committee, reported in favor of the passage of the first named bill, with amendments, and have amended the title by inserting after the words "To amend," the words "chapter 448 of the Laws of 1865," and striking out the words "passed April 14, 1865," which report was agreed to, and the same ordered to a third reading.

Mr. Carpenter, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Carpenter, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Starbuck moved that the committee of the whole be discharged from the further consideration of the resolution in the words following:

*Resolved* (if the Assembly concur), That the Canal Board be and they hereby are authorized to establish such toll sheet on the Black River canal as the Canal Board shall deem proper, whether such tolls be above or below the toll sheet of 1852.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Starbuck moved the adoption of said resolution.

The President then put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Birby	Gerard	Loomis	St. John
Bradley	Hammond	Moore	Schoonmaker
Cole	Harris	Prince	Selkreg
Coleman	Kennaday	Robertson	Starbuck
Doolittle			

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*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

On motion of Mr. Selkreg, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act to amend section 53 of chapter 220 of the Laws of 1866, entitled 'An act to amend the charter of the village of Saratoga Springs and the several acts amendatory thereof,'" was ordered considered in first committee of the whole.

Mr. Harris, from the committee on finance, to which was recommitted the bill entitled "An act in relation to certain moneys belonging to the United States, deposited with the State of New York for safe keeping, generally known as the United States deposit fund," reported that they have stricken out the enacting clause as instructed by the Senate, and directed their chairman to report the same to the Senate.

Mr. Prince moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act to amend chapter 780 of the Laws of 1872, entitled 'An act to provide for the improvement of a certain highway in the town of Newtown, Queens county, and the city of Brooklyn, Kings county, and for the payment of property taken for such improvement,' passed May 17, 1872," and that the same be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to provide for the re-incorporation of St. Joseph's Church, in the city of Rome."

Assembly, "An act to amend chapter 252 of the Laws of 1857, entitled 'An act to incorporate the Genesee Camp Ground Association.'"

"An act to amend section 53 of chapter 220 of the Laws of 1866, entitled 'An act to amend the charter of the village of Saratoga Springs, and the several acts amendatory thereof.'"

After some time spent therein, the President resumed the chair, and Mr. Schoonmaker, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Schoonmaker, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act in relation to 'The American Board of Commissioners for Foreign Missions.'"

Assembly, "An act to amend chapter 402 of the Laws of 1868, entitled 'An act to authorize the trustees of incorporated rural cemeteries to impose a tax upon the lot owners in said cemeteries.'"

"An act to further amend chapter 126 of the Laws of 1824, entitled 'An act to incorporate the society for the reformation of juvenile delinquents in the city of New York,' passed March 29, 1824, as amended by chapter 241 of the Laws of 1860, passed April 10, 1860."

After some time spent therein the President resumed the chair, and Mr. Harris, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Harris, from the same committee, reported in favor of the passage of the last named bill, with amendments, and have amended the title by striking therefrom the words "passed March 29, 1824," and "passed April 10, 1860," which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act in relation to the payment of taxes and assessments in the city of Brooklyn."

"An act to amend chapter 960 of the Laws of 1867, entitled 'An act to authorize the consolidation of corporations organized under the act entitled An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed February 17, 1848, or any of the acts amending or extending the same."

"An act to amend chapter 289 of the Laws of 1872, entitled 'An act authorizing the construction of a bridge across the Hudson river at the city of Albany, and incorporating the Albany and Greenbush Bridge Company.'"

After some time spent therein, the President resumed the chair, and Mr. Coleman, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Coleman, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend chapter 912 of the Laws of 1869, entitled 'An act to incorporate the city of Cohoes,' passed May 19, 1869, and the acts amending the same, passed March 4, 1872."

Assembly, "An act to establish the boundaries of school district No.

5 of the town of Flushing, and to provide for the collection of school taxes therein, and conferring additional powers and duties upon the board of education of said district."

Assembly, "An act to amend chapter 77 of the Laws of 1870, entitled 'An act to amend the act to combine into one act the several acts relating to the city of Albany,' passed April 12, 1842, and the several acts amendatory thereof, in so far as they relate to the city of Albany.'"

After some time spent therein, the President resumed the chair, and Mr. Hammond, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Hammond, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to provide for the introduction of the 'Stevenson traction system of towage' on the Erie canal."

Assembly, "An act to abolish the office of trustees of the town of Glenville, in the county of Schenectady, and to confer the powers now vested in the said trustees in the supervisor of the said town of Glenville."

Assembly, "An act to provide for deficiencies in appropriations for the poor in the county of Kings, for raising and disbursing the moneys of said county, and to regulate the powers and duties of officials in incurring obligations against said county."

After some time spent therein, the President resumed the chair, and Mr. St. John, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. St. John, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered to a third reading.

Mr. St. John, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Assembly returned the following entitled bill, with a message that they had agreed to the report of the committee of conference thereon:

"An act to amend chapter 448 of the Laws of 1876, entitled 'An act relating to courts, officers of justice and civil proceedings,' and to provide for the publication of the act as amended."

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly returned the following entitled Assembly bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act re-appropriating moneys for the reconstruction of the Oneida Lake canal."

"An act to create a police pension fund for disabled and retired policemen in the city of Brooklyn."

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act to legalize and confirm the drawing of the names of persons to serve as jurors."

"An act further to amend chapter 591 of the Laws of 1871, entitled

An act in relation to the bonded debt of the town of Eastchester, county of Westchester."

"An act in relation to arrears of taxes in the cities of New York, and to provide for the re-issuing of revenue bonds in anticipation of such taxes."

"An act in relation to corporations or joint stock companies of other States, territories, or dominion of Canada."

"An act to authorize the transfer of certain real estate to the Seminary of Our Lady of Angels."

"An act further to amend chapter 320 of the Laws of 1872, entitled 'An act to amend an act in relation to the rates of wharfage, and to regulate piers, wharves, bulk-heads and slips in the cities of New York and Brooklyn.'"

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the bills entitled as follows :

"An act to authorize the postponement of the levy of a tax to pay the bonds issued by the city of Oswego to facilitate the construction of the New York and Oswego Midland railroad, not yet matured, and to authorize the issue of new bonds in place thereof."

"An act to authorize the town of Wilna, in the county of Jefferson, to re-issue bonds to redeem and pay the bonds issued by said town in aid of the Utica and Black River railroad company, by virtue of chapter 624 of the Laws of 1866."

"An act in relation to the compensation of the several officers, keepers, guards, matrons and teachers of the Sing Sing, Auburn and Clinton prisons, and the Superintendent of the State lunatic asylum for insane convicts at Auburn, and to fix the rate of interest to be paid on convict deposits."

"An act to amend chapter 36 of the Laws of 1873, entitled 'An act to provide for a supply of water in the city of Yonkers.'"

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly sent for concurrence the bill entitled as follows :

"An act to authorize the sale of lands for the non-payment of taxes, and for the collection of unpaid taxes in the several towns of the county of Putnam," which was read the first time, and by unanimous consent was also read the second time.

Mr. Prince moved that said bill be substituted for Senate bill No. 371, same title, now in the order of third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same :

"An act relative to arrears of taxes and assessments in the city of Brooklyn."

*Ordered*, That the Clerk deliver said bill to the Governor.

On motion of Mr. Starbuck, the Senate adjourned.

SATURDAY, MAY 12, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Bradley presented a remonstrance of citizens of the town of Addison, in relation to the Addison and Elkland plank-road company; which was read and referred to the committee on roads and bridges.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to validate and confirm the title to certain real estate in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the Orange county asylum for the chronic insane to receive patients or inmates from adjoining counties," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of Charles Hoesslie and Caroline Hackett, adopted children of Jacob R. Hoesslie, and Margaretha Hoesslie, deceased," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the bills entitled as follows:

"An act transferring the interest of the people of the State of New York in the National Antietam Cemetery to the government of the United States," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act relating to the collection of taxes in the town of Plattsburgh, in the county of Clinton," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend chapter 68 of the Laws of 1871, entitled 'An act for the incorporation of private and family cemeteries,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act to legalize and confirm the official acts of the trustees of the village of New Brighton," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of villages.

"An act to extend the limits of union free school district No. 1 of the town of Ellicott, Chautauqua, county, and to authorize the board of education to employ a superintendent, and fix the time of holding their annual school meeting," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to amend section 1 of chapter 398 of the Laws of 1866, entitled 'An act to facilitate the construction of the New York and Oswego Midland railroad, and to authorize towns to subscribe to the capital stock thereof,' and to repeal chapter 143 of the Laws of 1876," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to confirm and levy a certain assessment for excavating, filling and forming Swan street, from Elm street to Morton street, in the city of Albany, and conferring upon the mayor and a majority of the common council of said city power to reduce the said assessment fifty per cent," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act for the relief of Thomas E. Davis."

"An act in relation to the payment of taxes and assessments in the city of Brooklyn."

"An act to make further provision for the payment of further expenses of the local government of the city of New York."

"An act to further amend chapter 126 of the Laws of 1824, entitled 'An act to incorporate the Society for the Reformation of Juvenile Delinquents in the city of New York,' as amended by chapter 241 of the Laws of 1860."

Mr. Gerard moved that the committee on roads and bridges be discharged from the further consideration of the bill entitled "An act for the more effectual prevention of wanton and malicious mischief, and to prevent the defacement of natural scenery," and that the same be referred to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bradley introduced a bill entitled "An act to provide for the repair of docking on the Chemung canal at Corning," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to legalize the acts of J. Marshall Guion, a justice of the peace of the town of Seneca Falls, in the county of Seneca."

"An act to provide a supply of wholesome water to the twenty-fourth ward of the city of New York, and to enable the mayor, aldermen and commonalty of the city of New York to obtain the same."

"An act in relation to the manual labor school upon the Tonawanda reservation."

After some time spent therein, the President resumed the chair, and Mr. Prince, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Prince, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Prince, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

On motion of Mr. Cole, and by unanimous consent, the rules were suspended and the Assembly bill entitled "An act to amend chapter 320 of the Laws of 1872, entitled 'An act to amend an act relating to the rates of wharfage on canal boats, and to regulate piers, wharves, bulk-heads and slips in the cities of New York and Brooklyn,' passed May 6, 1870," was ordered considered in first committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend chapter 224 of the Laws of 1874, entitled 'An act to repeal chapter 440 of the Laws of 1873, entitled An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes, so far as the same relates to the counties of Clinton, Che-

nango, Seneca, Queens, Orange, Essex, Cayuga, Madison and Steuben,' so as to exempt the county of Madison from said repealing act."

Assembly, "An act to authorize the town of Northfield, in the county of Richmond, to raise money to macadamize two public roads in said town, and to provide for the macadamizing thereof."

Assembly, "An act to amend chapter 320 of the Laws of 1872, entitled 'An act to amend an act relating to the rates of wharfage on canal boats, and to regulate piers, wharves, bulk-heads and slips in the cities of New York and Brooklyn,' passed May 6, 1870."

After some time spent therein, the President resumed the chair, and Mr. Vedder, from said committee, reported in favor of the passage of the first named bill, with amendments, and the title amended so as to read "An act in relation to inspectors of plank-roads and turnpikes in the county of Madison," which report was agreed to, and the same ordered to a third reading.

Mr. Vedder, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Vedder, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Assembly returned the Assembly bill entitled "An act to authorize the board of education of the city of Brooklyn to establish a home or school of reform for truant children, and to transfer the truant home of the city of Brooklyn to the care and custody of the said board of education," with a message that they non-concur in the amendments made thereto by the Senate, and have appointed a committee of conference on the part of the Assembly consisting of Messrs. Suydam, Bradley, Stephenson, Marvin and Smith, and request the appointment of a like committee on the part of the Senate.

Mr. Jacobs moved that the Senate accede to the appointment of a committee of conference.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee Messrs. Jacobs, Vedder and Carpenter.

*Ordered*, That the Clerk return said bill to the Assembly, with a message assenting to the appointment of a committee of conference.

The Assembly returned the following entitled Assembly bill, with a message that they had concurred in the amendments of the Senate thereto:

"An act to repeal section 51 of chapter 505 of the Laws of 1873, entitled 'An act to reorganize the village of Gloversville.'"

*Ordered*, That the Clerk return said bill to the Assembly.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend the Revised Statutes in relation to the laying out of public roads and the alteration thereof."

Assembly, "An act in regard to the instruction of common school teachers in academies and union schools, and to the establishment of examinations by the Regents of the University as to attainments in learning."

Assembly, "An act to regulate the sale of goods at public auction in the several cities in this State."



After some time spent therein, the President resumed the chair, and Mr. Wellman, from said committee, reported in favor of the passage of the first and second said named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Wellman, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Starbuck, from the committee on miscellaneous corporations, to which was recommitted the Assembly bill entitled "An act to amend an act entitled 'An act for the incorporation of societies or clubs for certain social and recreative purposes,' passed April 11, 1865," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 388 of the Laws of 1865, entitled 'An act for the incorporation of societies or clubs for certain social and recreative purposes,'" and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act for the more effectual prevention of wanton and malicious mischief, and to prevent the defacement of natural scenery," reported in favor of the passage of the same, with amendments, and said bill resumed its place in the order of third reading.

Mr. Robertson, from the committee on the judiciary, to which was referred the resolution requesting that said committee prepare a bill suspending the operation of the new Code, reported that they have had the same under consideration, and have come to the conclusion to report by bill entitled "An act to suspend the operation of parts of chapters 448 and 449 of the Laws of 1876, to continue in force the laws superseded thereby, and to regulate proceedings in civil actions," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act relative to the bonded indebtedness of cities, villages, towns and counties," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to incorporate the Battle of White Plains Monument Association, to provide for the laying out of a plot of ground in the village of White Plains, county of Westchester, and State of New York, and for the erection of a monument thereon, commemorating the battle of White Plains, fought October 28, 1776," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to protect salmon-trout in Lake Awosting, otherwise called Long pond, and brook trout in the Beerkill, in the county of Ulster," reported in favor of the passage of the same, with amendments.

On motion of Mr. Schoonmaker, and by unanimous consent, the rules were suspended, and said bill was ordered considered in first committee of the whole.

On motion of Mr. Prince, and by unanimous consent, the rules were suspended and the Assembly bill entitled "An act to amend chapter 320 of the Laws of 1872, entitled 'An act to amend an act relating to the rates of wharfage on canal boats, and to regulate piers, wharves, bulk-

heads and slips in the cities of New York and Brooklyn,' passed May 6, 1870," was ordered considered in first committee of the whole.

Mr. Prince, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to empower the board of supervisors of Suffolk county to appoint three commissioners to locate an inlet from the Atlantic ocean to the Shinnecock bay in said county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Emerson, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act to amend an act entitled 'An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors,' passed June 5, 1875," was ordered considered in first committee of the whole.

On motion of Mr. St. John, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act to authorize the city of Newburgh to borrow money and issue bonds therefor, for the payment of certain water bonds of said city heretofore issued, and to provide for the payment thereof," was ordered considered in first committee of the whole, not full.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to protect salmon trout in Lake Awosting, otherwise called Long pond, and brook trout in the Beerkill, in the county of Ulster."

Assembly, "An act to amend an act entitled 'An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors,' passed June 5, 1875."

Assembly, "An act to amend chapter 320 of the Laws of 1872, entitled 'An act to amend an act relating to the rates of wharfage on canal boats, and to regulate piers, wharves, bulk-heads and slips in the cities of New York and Brooklyn,' passed May 6, 1870."

After some time spent therein, the President resumed the chair, and Mr. Gerard, from said committee, reported in favor of the passage of the first and second named bills, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Gerard, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Loomis moved that the Senate do now adjourn until Monday evening next at 8 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Whereupon the Senate adjourned.

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## MONDAY, MAY 14, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of Saturday, May 12, was read and approved.

[SENATE JOURNAL.]

Mr. Sayre presented a resolution of the bar of Oneida county asking the unconditional repeal of the Code of Remedial Justice; which was read and referred to the committee on the judiciary.

Mr. Bradley presented a petition of citizens of Woodhull for the abandonment of the Elkland and Addison plank-road; also three remonstrances of citizens of Addison and Tuscarora against the repeal of the charter of said road; which were read and referred to the committee on roads and bridges.

Mr. Schoonmaker, from the committee on the judiciary, to which was referred the concurrent resolution in the words following:

*Whereas*, The business, commercial and industrial interests of the State and country are suffering because of a want of business confidence; and,

*Whereas*, It is believed that all laws which impede the ordinary course of justice in the collection of debts, and laws which impair the obligations of contracts, directly or by any indirection, have a demoralizing influence upon the business of the country, and serve as an obstacle to a healthy resumption of business and to the investment of unused capital, and,

*Whereas*, A law which promises a release from future indebtedness tends to promote improvident and reckless obligations, while such a law promotes and stimulates frauds; therefore,

*Resolved* (if the Senate concur), That it is the sense of the people of this State that the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all acts amendatory thereto, should be repealed.

*Resolved*, That our Senators and Representatives in Congress be requested to urge the immediate repeal of said act; reported in favor of the passage of the same. (Mr. Robertson dissenting.)

Mr. Schoonmaker moved that said resolution be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Selkreg, from the committee on railroads, to which was referred the bill entitled "An act to amend section 1 of chapter 398 of the Laws entitled 'An act to facilitate the construction of the New York and Oswego Midland railroad, and to authorize the town to subscribe to the capital stock thereof, and to repeal chapter 143 of the Laws of 1878,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to provide a supply of wholesome water to the twenty-fourth ward of the city of New York, and to enable the mayor, aldermen and commonalty of the city of New York to obtain the same."

"An act to amend title 5 of chapter 1 of part 3 of the Revised Statutes in relation to the jurisdiction of courts of sessions."

"An act to prohibit the throwing of cinders, ashes, refuse and garbage into the waters of Long Island sound, and into the bays and harbors opening into the same."

"An act to amend chapter 960 of the Laws of 1867, entitled 'An act to authorize the consolidation of corporations organized under the act entitled An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed February 17, 1848, or any of the acts amending or extending the same."

Mr. Woodin, from the special committee on apportionment, to which

was referred the bill entitled "An act to organize the Senate districts and for the apportionment of the Members of Assembly of this State," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Woodin, from the special committee on apportionment, to which was referred the subject of re-organizing the Senate districts and the apportionment of Members of Assembly, reported that they have had the same under consideration, and reported for the consideration of the Senate a bill entitled "An act to organize the Senate districts and for the apportionment of Members of Assembly of this State," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

On motion of Mr. Woodin, and by unanimous consent, the consideration of said bills was made a special order for to-morrow evening at half-past seven o'clock.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That 1,000 extra copies of the annual report of the Canal Commissioners for the year ending September 30, 1876, be printed for the use of the commissioners, the same to be bound in cloth; provided that the cost of printing the same shall not exceed ten cents per page per one hundred copies.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Woodin introduced a bill entitled "An act relative to public instruction in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

Mr. Vedder offered the following:

*Resolved*, That a respectful message be sent to the honorable the Assembly requesting the return to the Senate of Assembly bill No. 24, entitled "An act in relation to treasurer's fees and per centages in Monroe county."

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly and request their concurrence therein.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to confer certain powers and privileges upon the New York Academy of Medicine."

"An act to authorize the trustees of incorporated rural cemeteries to register the lots thereof and to impose a tax upon the lot owners in said cemeteries, in the counties of Kings and Queens."

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same, as amended:

"An act to amend chapter 30 of the Laws of 1876, entitled 'An act to amend chapter 520 of the Laws of 1870, entitled An act to establish and maintain a police force in the city of Troy, and to increase the powers and duties of the police commissioners of said city.'"

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly sent for concurrence the bill entitled as follows:

"An act to change the location of the court-houses and clerk's office of Richmond county by a majority vote of the board of supervisors of said

county, and a vote of approval by the electors of said county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Sayre offered the following :

*Resolved* (if the Assembly concur), That there be printed and bound in cloth in one volume, in the usual form, 1,500 copies of the twenty-ninth and thirtieth reports of the Regents of the University on the State Museum of Natural History for the use of the Regents, and 300 copies for the use of the director of the museum.

*Ordered*, That said resolution be referred to the committee on public printing.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, on the bills entitled as follows:

"An act in relation to pipe line companies."

"An act to incorporate the New York and Western Pipe Company."

Assembly, "An act to authorize the city of Newburgh to borrow money and issue bonds therefor, for the payment of certain water bonds of said city heretofore issued, and to provide for the payment thereof."

After some time spent therein, the President resumed the chair, and Mr. Loomis, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Loomis, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Loomis, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Harris offered the following :

*Resolved*, That there be printed for the use of the Senate 1,000 copies of the testimony taken before the committee appointed to investigate the charges against Senator Woodin, and the report of the committee thereon.

*Ordered*, That said resolution be referred to the committee on public printing.

On motion of Mr. Wagner, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act to amend section 53 of chapter 220 of the Laws of 1866, entitled 'An act to amend the charter of the village of Saratoga Springs and the several acts amendatory thereof,'" was ordered considered in first committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to prevent frequent changes of text-books in schools."

Assembly, "An act to amend chapter 896 of the Laws of 1869, entitled 'An act to incorporate the Crescent Company,' passed May 17, 1869."

Assembly, "An act to amend section 53 of chapter 220 of the Laws of 1866, entitled 'An act to amend the charter of the village of Saratoga Springs and the several acts amendatory thereof.'"

After some time spent therein, the President resumed the chair, and Mr. Vedder, from said committee, reported progress on the first and second named bills, and asked and obtained leave to sit again.

Mr. Vedder, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Gerard moved that the committee on the affairs of cities be discharged from the further consideration of the Assembly bill entitled "An act to repeal an act entitled 'An act to alter the map or plan of the city of New York by laying out therein a parade ground, and to authorize the taking of the same, passed April 20, 1871;'" and also Senate bill entitled "An act to repeal chapter 628 of the Laws of 1871, entitled 'An act to alter the map or plan of the city of New York by laying out a public place for a parade ground, and to authorize the taking of the same, passed April 20, 1871,'" and that the same be considered in the first committee of the whole to-morrow.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to amend chapter 272 of the Laws of 1864, entitled 'An act to incorporate the trustees of the Masonic Hall and Asylum Fund,' passed April 21, 1864."

Assembly, "An act to provide for the payment of bonds heretofore issued by the village of Middletown, in the county of Orange."

Assembly, "An act to establish the weight of a dozen of eggs and to establish an equivalent in weight to a count by the dozen."

After some time spent therein, the President resumed the chair, and Mr. Bixby, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Bixby, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

On motion of Mr. Jacobs, the Senate adjourned.

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## TUESDAY, MAY 15, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

On motion of Mr. Woodin, the reading of the journal of yesterday was dispensed with.

Mr. Starbuck presented a remonstrance of 300 merchants and dealers in eggs against the passage of Assembly bill No. 553; which was read and laid on the table.

The Assembly returned, pursuant to resolution of the Senate, the Assembly bill entitled "An act authorizing the county treasurer of Munroe county to retain certain moneys for the benefit of said county."

On motion of Mr. Emerson, and by unanimous consent, the rules were suspended, and the vote by which said bill was passed was reconsidered.

Mr. Emerson moved to lay said bill upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly sent for concurrence the bill entitled as follows :

"An act to confer additional powers upon the State Assessors," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

The Assembly returned the Assembly bill entitled "An act further to amend chapter 721 of the Laws of 1871, entitled "An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish," with a message that they do not concur in the amendments of the Senate and request a committee of conference thereon, and have appointed a committee on their part consisting of Messrs. J. S. Brown, Tabor, Alvord, Hepburn and Childs.

Mr. Vedder moved that the Senate assent to a committee of conference and that such committee be appointed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee Messrs. Vedder, Moore and Wagstaff.

*Ordered,* That the Clerk return said resolution to the Assembly, with a message informing that the Senate have appointed a committee of conference thereon.

The Assembly returned the concurrent resolution to print 500 copies of the proceedings of the University Convocation for 1876, with a message that they had concurred therein, with the following amendment:

"Add at the end thereof the words "to be bound in cloth."

The President put the question whether the Senate would concur in said amendment, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Lamont	Selkreg
Bixby	Emerson	Loomis	Starbuck
Bradley	Gerard	McCarthy	Vedder
Carpenter	Harris	Moore	Wagner
Cole	Kennaday	Schoonmaker	Woodin
			20

*Ordered,* That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly returned the concurrent resolution to print 1,500 copies of the eighty-ninth and ninetieth reports of the Regents of the University on Colleges and Academies, with a message that they had concurred therein, with the following amendment:

Strike out the words "fifteen hundred," and insert the words "one thousand." Add after the word "Regents," second occurring, the words "the same to be bound in cloth."

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Lamont	Starbuck
Bixby	Emerson	McCarthy	Vedder
Bradley	Gerard	Moore	Wagner
Carpenter	Harris	Schoonmaker	Woodin
Cole	Kennaday	Selkreg	
			19

*Ordered,* That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to enable the city of Brooklyn to raise further means for the improvement and sale of certain portions of Prospect park in said city."

"An act conferring certain powers on the clerk of the surrogates's court of the county of New York."

"An act to create a board of assessors in and for the city of Utica."

"An act to amend chapter 482 of the Laws of 1875, entitled 'An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors.'"

"An act in relation to assignments of the estates of debtors for the benefit of creditors."

"An act further to amend chapter 807 of the Laws of 1873, entitled 'An act concerning notaries public in the counties of Kings, Queens, Richmond, Westchester and Rockland, and in the city and county of New York, and authorizing them to exercise the functions of their office therein.'"

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act to legalize and confirm the official acts of Warren Glidden, a justice of the peace in the town of Clarendon, Orleans county."

"An act to amend chapter 341 of the Laws of 1876, entitled 'An act regulating the forfeiture of life insurance policies.'"

"An act to incorporate the New York Pipe Company."

"An act for the relief of Abel Crook."

"An act in relation to the improvement of the aqueduct in the city of New York."

"An act to amend chapter 1863 of the Laws of 1873, entitled 'An act to amend the charter of the city of Brooklyn and the various amendments thereof.'"

"An act to amend chapter 323 of the Laws of 1853, entitled 'An act to authorize religious corporations to change their names.'"

"An act to authorize the town of Webster, Monroe county, to issue bonds in payment of, or to take up, bonds heretofore issued in aid of the Lake Ontario Shore railroad."

"An act to provide for the payment of bonds issued by municipal corporations under the provisions of chapter 907, Laws of 1869, entitled 'An act to amend an act entitled An act to authorize the formation of railroad corporations and to regulate the same, passed April 2, 1850,' so as to permit municipal corporations to aid in the construction of railroads, and the acts amendatory thereof."

"An act to authorize St. Joseph's church, in the city of Yonkers, to acquire land and use the same for cemetery or burial purposes."

"An act in relation to the change of grades of streets and avenues in the Twenty-third and Twenty-fourth wards of the city of New York."

"An act to prevent fraud in the manufacture and sale of commercial fertilizers."

"An act to grant to the city of Yonkers, for highway purposes, certain land below original high-water mark in the Hudson river, and to authorize the building of a bridge over the tracks of the New York Central and Hudson River railroad upon such land."

"An act for the protection of dairymen and to prevent deception in sales of butter."

"An act to amend section 74 of title 6, chapter 6, part 2 of the Revised Statutes relative to the application for moneys paid into the State treasury by administrators."



"An act empowering the railroad commissioners of the town of Ithaca, Tompkins county, to issue bonds bearing interest, not exceeding six per cent, to take up bonds heretofore issued by said town in aid of the construction of the Ithaca and Athens railroad."

"An act to legalize the State and county taxes in the city of Cohoes, Albany county, for the years 1870, 1871, 1872, 1873, 1874 and 1875, and to provide for the collection thereof, and to authorize the sale of lands in the city of Cohoes for unpaid State and county taxes."

"An act providing for the incorporation of the Tompkins County New York Patrons' Mutual Fire Relief Association."

*Ordered*, That the Clerk deliver said bills to the Governor.

By unanimous consent, Mr. Cole asked and obtained leave to introduce a bill entitled "An act to legalize and confirm the official acts of Warren Glidden, justice of the peace in the town of Clarendon, Orleans county," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Cole, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Kennaday	Selkreg
Bixby	Emerson	Lamont	Starbuck
Bradley	Gerard	Loomis	Vedder
Carpenter	Harris	McCarthy	Wagner
Cole	Jacobs	Schoonmaker	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act in relation to pipe line companies."

"An act for the more effectual prevention of wanton and malicious mischief, and to prevent the defacement of natural scenery."

"An act to incorporate the New York and Western Pipe Company."

Mr. Schoonmaker moved to take from the table the Assembly concurrent resolution in the words following:

*Whereas*, The business, commercial and industrial interests of the State and country are suffering because of a want of business confidence; and,

*Whereas*, It is believed that all laws which impede the ordinary course of justice in the collection of debts, and laws which impair the obligations of contracts, directly or by any indirection, have a demoralizing influence upon the business of the country, and serve as an obstacle to a healthy resumption of business and to the investment of unused capital; and,

*Whereas*, A law which promises a release from future indebtedness tends to promote improvident and reckless obligations, while such a law promotes and stimulates frauds; therefore,

*Resolved* (if the Senate concur), That it is the sense of the people of this State that the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all acts amendatory thereto, should be repealed.

*Resolved*, That our Senators and Representatives in Congress be requested to urge the immediate repeal of the said act.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Starbuck
Bixby	Gerard	Moore	Tobey
Bradley	Harris	Schoonmaker	Wagner
Carpenter	Lamont	Selkreg	Woodin
Doolittle	Loomis		

18

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend section 53 of chapter 220 of the Laws of 1866, entitled 'An act to amend the charter of the village of Saratoga Springs and the several acts amendatory thereof,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Lamont	Selkreg
Bixby	Emerson	Loomis	Starbuck
Bradley	Gerard	McCarthy	Tobey
Carpenter	Jacobs	Moore	Wagner
Cole	Kennaday	Schoonmaker	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act to amend section 3 of chapter 564 of the Laws of 1875, entitled 'An act to amend chapter 122 of the Laws of 1851, entitled An act for the incorporation of building, mutual loan and accumulating fund associations,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Kennaday	Tobey
Bradley	Emerson	Loomis	Vedder
Carpenter	Gerard		

10

FOR THE NEGATIVE.

Cole	Lamont	Schoonmaker	Wagner
Harris	Moore	Starbuck	

7

Mr. Starbuck moved to reconsider the vote by which said bill was lost, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to provide a supply of wholesome water to the Twenty-fourth ward of the city of New York, and to enable the mayor, aldermen and commonalty of the city of New York to obtain the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	Starbuck
Bixby	Gerard	McCarthy	Tobey
Bradley	Harris	Moore	Vedder
Carpenter	Kennaday	Schoonmaker	Wagner
Cole	Lamont	Selkreg	Woodin
			20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to make further provision for the payment of further expenses of the local government of the city of New York," was read a third time."

The President put the question whether the Senate would concur in said amendment, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Gerard	Loomis	Starbuck
Bixby	Harris	McCarthy	Tobey
Bradley	Jacobs	Moore	Vedder
Cole	Kennaday	Schoonmaker	Wagner
Doolittle	Lamont	Selkreg	Woodin
			20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the relief of Thomas E. Davis," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	Starbuck
Bixby	Gerard	McCarthy	Tobey
Bradley	Jacobs	Moore	Vedder
Carpenter	Kennaday	Schoonmaker	Woodin
Cole	Lamont		
			18

FOR THE NEGATIVE.

Harris	Selkreg	Wagner	3
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to the payment of taxes and assessments in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Lamont	Selkreg
Bixby	Gerard	Loomis	Starbuck
Bradley	Harris	McCarthy	Tobey
Carpenter	Jacobs	Moore	Wagner
Cole	Kennaday	Schoonmaker	Woodin
			20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to further amend chapter 126 of the Laws of 1824, entitled 'An act to incorporate the Society for the Reformation of Juvenile Delinquents in the city of New York,' as amended by chapter 241 of the Laws of 1860," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Lamont	Selkreg
Bixby	Gerard	Loomis	Starbuck
Bradley	Harris	McCarthy	Tobey
Carpenter	Jacobs	Moore	Vedder
Cole	Kennaday	Schoonmaker	Wagner
			20

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act in relation to pipe line companies," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Lamont	Schoonmaker
Bradley	Gerard	Loomis	Selkreg
Carpenter	Harris	McCarthy	Starbuck
Cole	Jacobs	Moore	Vedder
Doolittle	Kennaday		
			18

## FOR THE NEGATIVE.

Baaden	1
--------	---

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the New York and Western Pipe Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a

majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Baaden	Doolittle	Kennaday	Moore
Bixby	Emerson	Lamont	Schoonmaker
Bradley	Gerard	Loomis	Starbuck
Carpenter	Jacobs	McCarthy	Tobey
Cole			

17

**FOR THE NEGATIVE.**

Selkreg

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the more effectual prevention of wanton and malicious mischief, and to prevent the defacement of natural scenery," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

**FOR THE AFFIRMATIVE.**

Baaden	Doolittle	Kennaday	Selkreg
Bixby	Emerson	Loomis	Tobey
Bradley	Gerard	McCarthy	Wagner
Carpenter	Harris	Schoonmaker	Woodin
Cole	Jacobs		

18

**FOR THE NEGATIVE.**

Moore

Starbuck

2

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act in regard to the instruction of common school teachers in academies and union schools, and to the establishing of examinations by the Regents of the University as to attainments in learning," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

**FOR THE AFFIRMATIVE.**

Baaden	Doolittle	Loomis	Starbuck
Bixby	Emerson	McCarthy	Tobey
Bradley	Harris	Moore	Vedder
Carpenter	Jacobs	Schoonmaker	Wagner
Cole	Lamont	Selkreg	Woodin

20

**FOR THE NEGATIVE.**

Kennaday

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the sale of lands for the non-payment of taxes, and for the collection of unpaid taxes in the several towns in the county of Putnam," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Starbuck
Bixby	Gerard	McCarthy	Tobey
Bradley	Harris	Moore	Vedder
Carpenter	Jacobs	Schoonmaker	Wagner
Cole	Kennaday	Selkreg	Woodin
Doolittle			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 319 of the Laws of 1848, entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies, and to make it applicable to literary societies,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Loomis	Selkreg
Bradley	Jacobs	McCarthy	Tobey
Carpenter	Kennaday	Moore	Vedder
Cole	Lamont	Schoonmaker	Wagner
Doolittle			

17

## FOR THE NEGATIVE.

Gerard	
--------	--

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend chapter 497 of the Laws of 1870, entitled 'An act to establish a police force in the county of Richmond,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Kennaday	Selkreg
Bixby	Emerson	Loomis	Tobey
Bradley	Gerard	McCarthy	Vedder
Carpenter	Harris	Moore	Wagner
Cole	Jacobs	Schoonmaker	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

Mr. Woodin, from the committee on the affairs of cities, to which was recommitted the bill entitled "An act to amend chapter 326 of the Laws

of 1874, entitled 'An act to provide for improvements in and adjoining the First ward of Long Island City,' reported in favor of the passage of the same, and said bill was ordered to a third reading.

The Assembly bill entitled "An act in relation to the maintenance of the chronic insane poor of the county of Clinton," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	Loomis	Starbuck
Bradley	Gerard	McCarthy	Tobey
Carpenter	Harris	Moore	Vedder
Cole	Jacobs	Schoonmaker	Wagner
Doolittle	Kennaday	Selkreg	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide for the labor assessed by commissioners of highways of the towns of Camden and Annsville, Oneida county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	Loomis	Starbuck
Bradley	Gerard	McCarthy	Tobey
Carpenter	Harris	Moore	Vedder
Cole	Jacobs	Schoonmaker	Wagner
Doolittle	Kennaday	Selkreg	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

By unanimous consent, Mr. Vedder offered the following:

*Resolved*, That a respectful message be sent to the honorable the Assembly, requesting the return of Senate bill, No. 350, entitled "An act to incorporate the New York Pipe Company," for the purpose of amendment.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend chapter 519 of the Laws of 1870, entitled 'An act to revise the charter of the city of Buffalo,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Starbuck
Bixby	Gerard	McCarthy	Tobey

Bradley	Harris	Moore	Vedder
Carpenter	Jacobs	Schoonmaker	Wagner
Cole	Kennaday	Selkreg	Woodin
Doolittle	Lamont		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend chapter 448 of the Laws of 1865, entitled 'An act to facilitate the construction of railroads and tram roads within the counties of Essex and Clinton, and to authorize the formation of companies therefor, and to extend the same to all counties of this State, except New York, Kings, Erie and Niagara,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Kennaday	Tobey
Bixby	Gerard	Loomis	Wagner
Cole	Harris	Moore	Woodin
Doolittle	Jacobs	Selkreg	

15

## FOR THE NEGATIVE.

Bradley	Lamont	McCarthy	Starbuck
---------	--------	----------	----------

4

Mr. Woodin moved to reconsider the vote by which said bill was lost, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to release to Marian Carr and Adelia S. Perry, the daughters and only heirs-at-law of Miles Perry, the title and interest of the people of the State of New York in certain real estate in the town of Riga and county of Monroe," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Starbuck
Bixby	Gerard	McCarthy	Tobey
Bradley	Harris	Moore	Vedder
Carpenter	Jacobs	Schoonmaker	Wagner
Cole	Kennaday	Selkreg	Woodin
Doolittle	Lamont		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to provide for the reincorporation of St. Joseph's Church, in the city of Rome," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a major-



ity of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Lamont	Selkreg
Bixby	Emerson	Loomis	Starbuck
Bradley	Gerard	McCarthy	Tobey
Carpenter	Jacobs	Moore	Wagner
Cole	Kennaday	Schoonmaker	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 252 of the Laws of 1857, entitled 'An act to incorporate the Genesee Camp Ground Association,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Lamont	Selkreg
Bixby	Gerard	Loomis	Starbuck
Bradley	Harris	McCarthy	Tobey
Cole	Jacobs	Moore	Wagner
Doolittle	Kennaday	Schoonmaker	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to the American Board of Commissioners for Foreign Missions," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Starbuck
Bradley	Kennaday	Moore	Tobey
Cole	Lamont	Schoonmaker	Vedder
Doolittle	Loomis	Selkreg	Woodin
Emerson			

17

## FOR THE NEGATIVE.

Baaden

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

A message was received from the Governor in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, {  
ALBANY, May 15, 1877. }

*To the Senate:*

I return without approval Senate bill No. 101, entitled "An act to amend chapter 277 of the Laws of 1870, entitled 'An act to amend an act for the benefit of married women in insuring the lives of their husbands,' passed April 14, 1858."

It is perhaps doubtful whether authority to assign such policies as are mentioned in this bill would be in accordance with sound policy and good morals.

Upon that question there are differences of opinion among intelligent men who have made the subject of life insurance a profound study. But in this State the question has been settled so far as existing policies are concerned. In the case of *Eadie vs. Slimmon*, 26 N. Y. Reports, page 9, the Court of Appeals decided that the children of a married woman who holds such policy have a vested right in it which cannot be transferred by the husband and wife, or either of them. The Legislature cannot change that rule, except as to policies hereafter issued.

The bill, however, makes no discrimination, but applies to all policies heretofore or hereafter given. Recognizing the vested rights of the children, it provides for their consent to the transfer. Children over twenty-one years of age can give such consent without the aid of any new law. But in most cases which arise, the children are minors, and the act makes no provision for the mode in which their consent is to be given.

L. ROBINSON.

Mr. Harris moved that said message be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to amend chapter 402 of the Laws of 1868, entitled 'An act to authorize the trustees of incorporated rural cemeteries to impose a tax upon the lot owners in said cemeteries,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Gerard	Loomis	Starbuck
Bixby	Harris	McCarthy	Tobey
Bradley	Jacobs	Moore	Vedder
Cole	Kennaday	Schoonmaker	Wagner
Doolittle	Lamont	Selkreg	Woodin
Emerson			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 912 of the Laws of 1869, entitled 'An act to incorporate the city of Cohoes,' passed May 19, 1869, and the acts amending the same, passed March 4, 1872," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Starbuck
Bixby	Gerard	McCarthy	Tobey

Bradley  
Carpenter  
Cole  
Doolittle

Harris  
Jacobs  
Kennaday  
Lamont

Moore  
Schoonmaker  
Selkreg

Vedder  
Wagner  
Woodin

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to establish the boundaries of school district No. 5 of the town of Flushing, and to provide for the collection of school taxes therein, and conferring additional powers and duties upon the board of education of said district," was read a third time

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden  
Bixby  
Bradley  
Cole  
Doolittle

Emerson  
Gerard  
Harris  
Jacobs  
Kennaday

Lamont  
McCarthy  
Moore  
Schoonmaker  
Selkreg

Starbuck  
Tobey  
Vedder  
Wagner  
Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 77 of the Laws of 1870, entitled 'An act to amend the act to combine into one act the several acts relating to the city of Albany, passed April 12, 1842,' and the several acts amendatory thereof, in so far as they relate to the city of Albany," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden  
Bixby  
Bradley  
Cole  
Doolittle  
Emerson

Gerard  
Harris  
Jacobs  
Kennaday  
Lamont

Loomis  
McCarthy  
Moore  
Schoonmaker  
Selkreg

Starbuck  
Tobey  
Vedder  
Wagner  
Woodin

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to provide for the introduction of the Stevenson traction system of towage on the Erie canal," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Lamont	Selkreg
Bixby	Gerard	Loomis	Starbuck
Bradley	Harris	McCarthy	Tobey
Cole	Jacobs	Moore	Wagner
Doolittle	Kennaday	Schoonmaker	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to abolish the office of trustees of the town of Glenville, in the county of Schenectady, and to confer the powers now vested in the said trustees in the supervisor of the said town of Glenville," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Loomis	Starbuck
Bixby	Harris	McCarthy	Tobey
Bradley	Jacobs	Moore	Vedder
Doolittle	Kennaday	Schoonmaker	Wagner
Emerson	Lamont	Selkreg	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to legalize and confirm the official acts of J. Marshall Guion, a justice of the peace of the town of Seneca Falls, in the county of Seneca," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Coleman	Kennaday	Starbuck
Bixby	Doolittle	Lamont	Tobey
Bradley	Emerson	Moore	Vedder
Carpenter	Gerard	Schoonmaker	Wagner
Cole	Harris	Selkreg	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the town of Northfield, in the county of Richmond, to raise money to macadamize two public roads in said town and to provide for the macadamizing thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Lamont	Selkreg	
Bixby	Gerard	Loomis	Starbuck	
Bradley	Harris	McCarthy	Tobey	
Cole	Jacobs	Moore	Vedder	
Doolittle	Kennaday	Schoonmaker	Wagner	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend the Revised Statutes in relation to the laying out of public roads and the alteration thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Lamont	Selkreg	
Bixby	Gerard	Loomis	Starbuck	
Bradley	Harris	McCarthy	Tobey	
Cole	Jacobs	Moore	Vedder	
Doolittle	Kennaday	Schoonmaker	Wagner	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to protect salmon trout in Lake Awasting, otherwise called Long pond, and brook trout in the Beerkill, in the county of Ulster," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Lamont	Selkreg	
Bixby	Gerard	Loomis	Starbuck	
Bradley	Harris	McCarthy	Vedder	
Cole	Jacobs	Moore	Wagner	
Doolittle	Kennaday	Schoonmaker	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act to amend chapter 272 of the Laws of 1864, entitled 'An act to incorporate the trustees of the Masonic Hall and Asylum Fund,' passed April 21, 1864," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate, voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Starbuck
Bixby	Gerard	McCarthy	Tobey

Bradley	Harris	Moore	Vedder
Carpenter	Jacobs	Schoonmaker	Wagner
Cole	Kennaday	Selkreg	Woodin
Doolittle	Lamont		

22

*Ordered*, That the Clerk return said bill to the Assembly with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to the inspectors of plank-roads and turnpike roads in the county of Madison," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Loomis	Starbuck
Bixby	Harris	McCarthy	Tobey
Cole	Jacobs	Moore	Vedder
Doolittle	Kennaday	Schoonmaker	Wagner
Emerson	Lamont	Selkreg	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend an act entitled 'An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors,' passed June 5, 1875," being announced for a third reading,

Mr. Kennaday moved that said bill be recommitted to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly sent for concurrence a resolution in the words following :

*Resolved*, That a respectful message be sent to the Senate requesting the return of Assembly bill No. 526, general order 603, entitled "An act to amend section 1 of chapter 177 of the Laws of 1855, entitled 'An act authorizing the construction of a bridge or dam, or both, across the creek or portion of Niagara river which separates Tonawanda or White's Island from the main land.'"

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to establish the weight of a dozen of eggs and to establish an equivalent in weight to a count by the dozen," having been announced for a third reading,

Mr. Starbuck moved that said bill be recommitted to the committee on agriculture, with instructions to strike out the enacting clause.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Moore, from the committee on agriculture, to which was recommended said bill, reported the same to the Senate, having stricken out the enacting clause thereof as instructed by the Senate.

*Ordered*, That the Clerk return said bill to the Assembly with a message informing that the Senate have stricken out the enacting clause.

Mr. Bixby moved to take from the table the motion to reconsider the vote by which Assembly bill entitled "An act to provide for the revision of the laws relative to the administration of justice in the district courts of the city of New York," was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Kennaday	Schoonmaker
Bixby	Emerson	Lamont	Selkreg
Bradley	Gerard	Loomis	Starbuck
Carpenter	Harris	McCarthy	Vedder
Cole	Jacobs	Moore	Wagner

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

Mr. Gerard moved that the bill entitled "An act to provide for the disposition and sale of certain lateral canals of this State, and the lands, rights and other property connected therewith," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Cole, from the committee on canals, to which was referred the bill entitled "An act to provide for the repair of the docking of the Chemung canal at Corning," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

On motion of Mr. Bradley, and by unanimous consent, said bill was ordered considered in the first committee of the whole.

Mr. Schoonmaker, from the committee on the judiciary, to which was recommitted the Assembly bill entitled "An act to amend an act entitled 'An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors,' passed June 5, 1875," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Loomis, from the committee on public printing, to which was referred the resolution to print 1,000 copies of the testimony in the Woodin investigation, reported in favor of the adoption of the following resolution:

*Resolved*, That there be printed for the use of the Senate, 1,000 copies of the testimony taken before the committee appointed to investigate the charges against Senator Woodin, and the report of the committee thereon.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Lamont	Selkreg
Bixby	Gerard	Loomis	Starbuck
Bradley	Harris	McCarthy	Vedder
Carpenter	Jacobs	Moore	Wagner
Cole	Kennaday	Schoonmaker	19

Mr. Doolittle, from the committee on public printing, to which was referred the resolution to print 1,500 copies of the Twenty-ninth and Thirtieth Reports of the Regents of the University on the State Museum of Natural History, reported in favor of the adoption of the following resolution:

*Resolved* (if the Assembly concur), That there be printed and bound in cloth, in one volume, in the usual form, 1,500 copies of the Twenty-ninth and Thirtieth Reports of the Regents of the University on the State Museum of Natural History for the use of the Regents, and 300 copies for the use of the director of the museum, provided the cost does not exceed ten cents per page per 100 copies.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Loomis	Starbuck
Bradley	Harris	McCarthy	Vedder
Carpenter	Jacobs	Moore	Wagner
Cole	Kennaday	Schoonmaker	Woodin
Doolittle	Lamont	Selkreg	19

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Wagner, from the committee on public printing, to which was referred the Assembly resolution to print 1,000 extra copies of the annual report of the Canal Commissioners, reported in favor of the adoption of the following resolution:

*Resolved* (if the Senate concur), That 1,000 extra copies of the annual report of the Canal Commissioners for the year ending September 30, 1876, be printed for the use of the commissioners, the same to be bound in cloth, provided that the cost of printing the same shall not exceed ten cents per page for 100 copies.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Starbuck
Bixby	Gerard	McCarthy	Vedder
Bradley	Harris	Moore	Wagner
Carpenter	Jacobs	Schoonmaker	Woodin
Cole	Kennaday	Selkreg	19

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

On motion of Mr. Schoonmaker, and by unanimous consent, the rules were suspended and the Senate then went into executive session; and, after some time spent therein, the doors were opened and the Senate resumed legislative business.



On motion of Mr. McCarthy, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act for the relief of Charles R. Hoesslie and Caroline Hackett, adopted children of Jacob Hoesslie and Margaretha Hoesslie, deceased," was ordered considered in first committee of the whole.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to provide for the disposition and sale of certain lateral canals of this State, and the lands, rights and other property connected therewith."

"An act to repeal chapter 628 of the Laws of 1871, entitled 'An act to alter the map or plan of the city of New York by laying out a public place for a parade ground, and to authorize the taking of the same,' passed April 20, 1871."

After some time spent therein the President resumed the chair, and Mr. Kennaday, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Kennaday, from the same committee, reported that they had substituted for the last named bill Assembly bill No. 236, entitled "An act to repeal an act entitled 'An act to alter the map or plan of the city of New York by laying out thereon a parade ground, and to authorize the taking of the same,' passed April 20, 1871," which report was agreed to, and the same ordered to a third reading.

By unanimous consent, Mr. Gerard asked and obtained leave to introduce a bill entitled 'An act to amend chapter 379 of the Laws of 1848, entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

On motion of Mr. Starbuck, the Senate took a recess until half-past seven P. M.

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### HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

Mr. Gerard moved that the special order set down for this hour be postponed until eight o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend chapter 820 of the Laws of 1873, entitled 'An act to amend an act entitled An act to suppress intemperance and to regulate the sale of intoxicating liquors,' passed April 16, 1857."

"An act to provide for the repair of the docking of the Chemung canal at Corning."

Assembly, "An act for the relief of Charles R. Hoesslie and Caroline Hackett, adopted children of Jacob Hoesslie and Margaretha Hoesslie, deceased."

After some time spent therein, the President resumed the chair, and Mr. Cole, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Cole, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Cole, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered to a third reading.

By unanimous consent, Mr. Jacobs asked and obtained leave to introduce a bill entitled "An act to confer on boards of supervisors further powers of local legislation and administration," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on internal affairs.

Mr. Carpenter presented the following:

*To the Senate and Assembly:*

Your committee of conference to whom were referred the matters in difference between the two houses on Assembly bill No. 424, entitled "An act to provide for perfecting and perpetuating the right and title of the city of New York to property, water, water-rights and privileges heretofore taken or used, or which may be hereafter taken or used by said city to increase the supply of pure and wholesome water for the use of said city, and to provide for the payment and extinguishment of all claims or damages growing out of such taking or using," beg leave to report:

That having met and duly considered the said matters in difference, they recommend the following:

1st. That the Senate recede from the following amendment:

Section 6, after the word "water," in line 57, of the engrossed bill, insert the following: "But the said commissioners, in so determining, shall not change nor alter the high or low water line of any lake where the same has been heretofore fixed or established by any judgment or decree of the Supreme Court, nor authorize the water of any such lake to be raised above such high water line or mark, or drawn down below such low water line or mark, nor shall the waters of Lake Gleneida, in the town of Carmel, at any time be drawn down below the bottom of the flume as it stood and existed many years and up to the year 1877."

2d. That the Assembly concur in the following amendment:

Section 12, after the words "public works," in line 7, insert the words "always, however, reserving and maintaining the rights of the people and riparian owners to go to the water at any point to which the same may be drawn."

3d. That the Assembly concur in the following amendment:

Section 18, after the words "Lake Mahopac," insert the words "and Lake Gleneida."

4th. That the following be adopted as section 21:

§ 21. The said city of New York is hereby required to repair and forever maintain the highways built, or in process of construction, by the said city around the new reservoir on the middle branch of the Croton river, in the town of Southeast."

5th. That the Assembly concur in the following:

§ 22. All actions for the recovery of real property, or of any estate or interest therein, or for the determination in any form of such right or interest, and for injuries to real estate, brought under the provisions of this act, shall be brought and tried in the county in which the subject of the action or some part thereof is situated, subject to the power of the court to change the place of trial in cases provided by statute.

6th. That the following be adopted as a new section numbered 23 :

§ 23. If, in any particular, it shall at any time be found necessary to amend any pleading, proceeding, process or action, or to supply any defect therein arising in the course of any special proceeding authorized by this act, the same may be amended or supplied in such manner as shall be directed by the Supreme Court, which is hereby authorized to make such amendment or correction.

7th. That the following be adopted as section number 24.

§ 24. All acts and parts of acts inconsistent with this act are hereby repealed.

8th. That the following be adopted as section number 25.

§ 25. This act shall take effect immediately.

All which is respectfully submitted.

B. P. CARPENTER,  
J. W. GERARD,  
W. H. ROBERTSON,  
*Senate Committee.*

ROBT. H. STRAHAN,  
HAMILTON FISH, JR.,  
JOHN T. HOGEBOOM,  
F. B. SPINOLA,  
WM. F. MOLLER,  
*Assembly Committee.*

Dated *May* 11, 1877.

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Gerard	Loomis	Schoonmaker
Carpenter	Harris	McCarthy	Starbuck
Cole	Jacobs	Moore	Vedder
Doolittle	Kennaday	Robertson	Wagner
Emerson	Lamont	Sayre	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference thereon.

The Assembly returned the bill entitled "An act to amend chapter 571 of the Laws of 1866, entitled 'An act to incorporate the Brooklyn Trust Company,'" with a message that they had concurred in the passage of the same, with the following amendments:

Section 1, line 9, after the word "testament," insert the words "and of administration with or without the will annexed of the estate of any deceased person." Same section, line 14, after the word "company," insert the words "whenever application shall be made to any court of this State, or to any surrogate of any county for letters of administration upon the estate of any deceased persons with or without the will annexed, and it shall appear that there are no next of kin of the deceased entitled to a distributive share in the estate qualified, competent or willing, or otherwise unable to accept such administration, said court or surrogate may, at the request of any party interested in the

estate whether as creditor or beneficiary, grant letters of administration on said estate to said company."

Section 2, line 6, after the word "executor," insert the words "or administrator with or without the will annexed." Line 17, after the word "executor," insert the words "or administrator with or without the will annexed." Line 20, after the word "executor," insert the words "or administrator with or without the will annexed." Line 25, after the word "executor," insert the words "or administrator with or without the will annexed."

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Baaden	Emerson	Lamont	Schoonmaker
Bixby	Gerard	Loomis	Starbuck
Carpenter	Harris	McCarthy	Vedder
Cole	Jacobs	Moore	Wagner
Doolittle	Kennaday		18

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly sent for concurrence the bills entitled as follows :

"An act to provide additional school accommodations in the Fifteenth Assembly district in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to confirm and legalize the acts of William M. Summers as notary public of the county of Kings since March 31, 1877," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to incorporate the Buffalo Pipe Line Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to prohibit the throwing of cinders, ashes, refuse and garbage into the waters of Long Island Sound, and into the bays and harbors opening into the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to amend chapter 508 of the Laws of 1873, entitled 'An act to incorporate the Long Island Loan and Trust Company,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

"An act to amend chapter 628 of the Laws of 1857, entitled 'An act to suppress intemperance and to regulate the sale of intoxicating liquors,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act for the relief of James Murphy," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to legalize and authorize the town of Westchester, in the county of Westchester, to raise money to pay judgment against commissioner of Eastern boulevard," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act to amend chapter 348 of the Laws of 1876, entitled 'An act to amend section 32, part 1, title 1, article 3, chapter 16 of the Revised Statutes,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend part 1, title 5, chapter 5, section 7 of the Revised Statutes, in relation to the appointment of collectors of canal tolls," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to establish a high school in the city of Brpoklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of cities.

"An act to confirm the official acts of Walter L. Livingston as surrogate of the county of Kings," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Kennaday, and by unnaimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Doolittle	Lamont	Sayre
Bixby	Emerson	Loomis	Schoonmaker
Bradley	Gerard	McCarthy	Starbuck
Carpenter	Jacobs	Moore	Vedder
Cole	Kennaday	Robertson	Wagner

20

#### FOR THE NEGATIVE.

Harris

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly returned the bill entitled "An act to legalize and confirm the acts of Truman C. White as notary public," with a message that they had concurred in the passage of the same, with the following amendment:

Insert as section 2 the following:

§ 2. Nothing in this act shall be construed to affect any action or proceeding pending in any of the courts of this State.

Make section 2 section 3.

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Starbuck
Bixby	Gerard	Moore	Tobey
Bradley	Jacobs	Robertson	Vedder
Carpenter	Kennaday	Sayre	Wagner
Cole	Lamont	Schoonmaker	Woodin
Doolittle	Loomis	Selkreg	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to authorize the towns of Mentz and Montezuma, in the county of Cayuga, to transfer stock held by them in the Cayuga Northern railroad," with a message that they had concurred in the passage of the same, with the following amendments :

Section 1, line 7, strike out the word "assign" and insert the word "cancel." Same line, strike out the word "transfer" and insert the word "surrender." Strike out all after the word "towns," in line 9, same section, to and including the word "railroad" at end of section.

Amend title so as to read "An act to authorize the towns of Mentz and Montezuma, in the county of Cayuga, to cancel and surrender stock held by them in the Cayuga Northern railroad."

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Schoonmaker
Bixby	Gerard	McCarthy	Starbuck
Bradley	Harris	Moore	Tobey
Carpenter	Jacobs	Robertson	Wagner
Cole	Kennaday	Sayre	Woodin
Doolittle	Lamont		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to amend chapter 305 of the Laws of 1857, entitled 'An act to consolidate school districts No. 8 and No. 15, in the town of Mentz, in the county of Cayuga, into one school district, and to provide for the organization of a school and academy therein, and to enable the said district to loan money to erect the necessary buildings therefor,'" with a message that they had concurred in the passage of the same, with the following amendments :

Section 6, line 1, engrossed bill, insert the word "the" after the word "of." Insert the following after section 2 :

§ 3. Section 13 of said act is hereby amended so as to read as follows :

§ 13. There shall be levied and collected by the board of education hereby created upon the real and personal estate of the Port Byron free school district, in the same manner as other village, town and county taxes are levied and collected, the sum of five thousand dollars in six equal annual installments ; the first installment to be levied and collected in the year 1859 and the residue in five annual installments thereafter, together with the interest annually upon the whole sum unpaid, which shall be paid to the Comptroller of this State in satisfaction of said loan. And there shall be levied and collected by said board of education, upon the real and personal estate of said school district, in the same manner as town and county taxes are levied and collected, on or before the first day of November, 1879, a sum sufficient to pay the accrued interest on the bond and mortgage given by said board of education to the Comptroller of the State, in pursuance of said act to secure a loan to said school district ; and there shall also be levied and collected in like manner by said board a sum or sums sufficient to pay the principal and interest accruing on said bond and mortgage in four equal installments in the years 1880, 1881, 1882 and 1883, and the times for the payment of said bond and mortgage are hereby extended accordingly.

§ 4. This act shall take effect immediately.

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Emerson	Kennaday	Schoonmaker
Birby	Gerard	Loomis	Starbuck
Bradley	Hammond	McCarthy	Tobey
Carpenter	Harris	Robertson	Vedder
Cole	Jacobs	Sayre	Woodin
Doolittle			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

Mr. Vedder offered the following :

*Resolved* (if the Assembly concur), That a respectful message be sent to His Excellency the Governor, requesting the return to the Senate of Senate bill No. 350, entitled "An act to incorporate the New York Pipe Company," for the purposes of amendment.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act to confer on boards of supervisors further powers of local legislation and administration," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to confer the powers of harbor master on the police patrolmen detailed to certain docks and piers in said city by the board of commissioners of police and excise of the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act further to amend chapter 857 of the Laws of 1873, entitled 'An act in relation to the keeping open of certain public offices in the county of Kings, and to extend the provisions of said act to the city of Brooklyn, to Long Island City and the counties of Queens and Suffolk,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to confirm and levy a certain assessment for excavating, filling and forming Swan street, from Elm street to Morton street, in the city of Albany, and conferring upon the mayor and a majority of the common council of said city power to reduce the said assessment fifty per cent," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to confirm, reduce and levy a certain assessment for improving part of Union street, in the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the two bills entitled as follows:

"An act to organize the Senate districts, and for the apportionment of Members of Assembly of this State."

After some time spent therein the President resumed the chair, and Mr. Vedder, from said committee, reported in favor of the passage of the said named bill.

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Baaden	Emerson	Robertson	Vedder	
Carpenter	Harris	Sayre	Wagner	
Cole	McCarthy	Selkreg	Woodin	
Doolittle				13

FOR THE NEGATIVE.

Birby	Hammond	Lamont	Schoonmaker	
Bradley	Jacobs	Loomis	Starbuck	
Gerard	Kennaday	Moore	Wagstaff	12

Said bill was then ordered engrossed for a third reading.

By unanimous consent, Mr. Wagstaff asked and obtained leave to introduce a bill entitled "An act to extend the time for the organization and commencement of business of the American Loan Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

On motion of Mr. Cole, the Senate adjourned.

WEDNESDAY, MAY 16, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

On motion of Mr. Kennaday, the reading of the journal of yesterday was dispensed with.

Mr. Coleman presented a remonstrance of members of the bar of Rensselaer county against the Code of Remedial Justice; which was read and referred to the committee on the judiciary.

Mr. Robertson moved that the bill entitled "An act in relation to the clerks of the district courts of the city of New York," be recommitted to the committee on the judiciary, retaining its place in the order of third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize and confirm the title of Edwin Carr and Maurice Nelan to certain lands situate in Bethany, Genesee county, New York, which were heretofore conveyed to them by the superintendents of the poor of said county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.



Mr. Moore, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to prohibit the throwing of cinders, ashes, refuse and garbage into the waters of Long Island sound, and into the bays and harbors opening into the same," reported in favor of the passage of the same.

Mr. Robertson moved that said bill be substituted for Senate bill No. 398, same title, now in order of third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the resolution requesting the Governor to return to the Senate the bill entitled "An act to incorporate the New York Pipe Company," with a message that they had concurred therein.

*Ordered,* That the Clerk deliver said resolution to the Governor.

The Assembly returned the resolution directing the Secretary of State to cause to be printed and distributed the result of the State census of 1875 in the same manner as the census of 1865, with a message that they had concurred therein.

*Ordered,* That the Clerk deliver said resolution to the Secretary of State.

The Assembly returned the following entitled bill, with a message that they had agreed to the report of the committee of conference thereon.

"An act to amend chapter 448 of the Laws of 1876, entitled 'An act relating to courts, officers of justice and civil proceedings, and to provide for the publication of the act as amended.'"

*Ordered,* That the Clerk deliver said bill to the Governor.

The Assembly returned the following entitled Assembly bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to discontinue the Charlotte turnpike and to authorize the Charlotte Turnpike Company to maintain a toll-bridge across the Susquehanna river."

"An act to amend section 1 of chapter 177 of the Laws of 1855, entitled 'An act authorizing the construction of a bridge or dam, or both, across the creek or portion of Niagara river, which separates Tonawanda, or White's Island, from the main land.'"

"An act authorizing and empowering the common council of the city of Rochester to construct a turn-table or swing-bridge over the Erie canal in Allen street, in the city of Rochester."

"An act to provide for the collection of the unpaid assessments for the opening, regulating and grading of Franklin avenue in the towns of Flatbush and New Utrecht."

*Ordered,* That the Clerk return said bills to the Assembly.

Mr. Cole, from the committee on canals, to which was referred the Assembly bill entitled "An act to amend part 1, title 5, chapter 5, section 7 of the Revised Statutes, in relation to the appointment of collectors of canal tolls," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Cole, and by unanimous consent, the rules were suspended, and said bill was ordered considered in first committee of the whole not full.

Mr. Emerson, from the committee on erection and division of towns and counties, to which was referred the Assembly bill entitled "An act to amend chapter 139 of the Laws of 1870, entitled 'An act to annex parts of the towns of Bethlehem and Watervliet, in the county of Albany, to the city of Albany, and to exempt such parts thereof from certain taxes, and to

annex a part of the city of Albany to the town of Watervliet,' passed April 6, 1870," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robinson moved that the committee of the whole be discharged from further consideration of the Assembly bill entitled "An act to amend chapter 776 of the Laws of 1870, entitled 'An act to amend an act entitled An act to provide for the incorporation of villages, passed December 7, 1847, and the several acts amendatory thereof, so far as the same relate to the village of Mount Vernon, in the county of Westchester, and to declare, enlarge and define the powers and duties of the officers of said village, and to confirm and extend the powers of the corporation of said village,' passed May 10, 1870," and that the same be recommitted to the committee on the affairs of villages, retaining its place in the order of third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to provide for the repair of docking on the Chemung canal at Corning."

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act to authorize the appointment of an overseer of the poor in the town of Clayton, Jefferson county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Starbuck, and by unanimous consent, the rules were suspended, and said bill was ordered considered in first committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act relating to the collection of taxes in the town of Plattsburgh, in the county of Clinton," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to amend chapter 628 of the Laws of 1857, entitled 'An act to suppress intemperance and to regulate the sale of intoxicating liquors,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Starbuck, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act to prevent frequent changes of text-books," was ordered considered in first committee of the whole.

On motion of Mr. Wagstaff, and by unanimous consent, the rules were suspended, and the concurrent resolution proposing an amendment to article 9 of the Constitution in relation to the schools, was ordered considered in first committee of the whole.

The bill entitled "An act to provide for the repair of the docking of the Chemung canal at Corning," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Morrissey	Tobey
Bradley	Hammond	Schoonmaker	Wagner
Cole	Jacobs	Selkreg	Wagstaff
Doolittle	Kennaday	Sprague	Woodin
Emerson	Lamont		

18

## FOR THE NEGATIVE.

Loomis	Moore	Starbuck
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3

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to prohibit the throwing of cinders, ashes, refuse and garbage into the waters of Long Island sound, and into the bays and harbors opening into the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Moore	Sprague
Bradley	Harris	Morrissey	Starbuck
Doolittle	Jacobs	Robertson	Wagner
Emerson	Kennaday	Schoonmaker	Wagstaff
Gerard	McCarthy	Selkreg	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act for the relief of Charles R. Hoesslie and Caroline Hackett, adopted children of Jacob Hoesslie and Margaretha Hoesslie, deceased," was read a third time.

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Sprague
Bixby	Hammond	Morrissey	Starbuck
Bradley	Jacobs	Robertson	Vedder
Carpenter	Kennaday	Sayre	Wagner
Cole	Lamont	Schoonmaker	Wagstaff
Doolittle	Loomis	Selkreg	Woodin
Emerson	McCarthy		

26

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors,' passed June 5, 1875," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Harris	McCarthy	Starbuck
Bixby	Jacobs	Moore	Tobey
Carpenter	Kennadav	Robertson	Vedder
Doolittle	Lamont	Schoonmaker	Wagner
Emerson	Loomis	Selkreg	Wagstaff

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills and concurrent resolution entitled as follows :

Assembly, "An act to prevent frequent changes of text-books."

"Concurrent resolution proposing an amendment to article 9 of the Constitution in relation to the schools.

"*Resolved* (if the Assembly concur), That article nine of the Constitution be amended by the addition of the following section :

§ 2. Free common schools shall be maintained throughout the State forever. The Legislature shall provide for the instruction in the branches of elementary education in such schools of all persons in the State between the ages of six and twenty-one years, for the period of at least twenty-eight weeks in each year. The money, property or credit of the State, or of any county, city, town, village or school district, shall not be given, loaned or leased, or be otherwise applied, to the support or in aid of any school or institution under the control or in charge of any church, sect, denomination or religious society; nor to or in aid of any school in which instruction is given peculiar to any church, creed, sect or denomination, or to or in aid of any such instruction; nor to or in aid of any school or institution not free alike to all, and also subject to the supervision of and conformed to the regulations of the public school authorities, nor shall any tax be levied for any such purpose. This section shall not prohibit the Legislature from making such provision for the education of the blind, the deaf and dumb, and juvenile delinquents, as it may seem proper, except that such education shall not be in institutions in which instruction is given peculiar to any church, creed, sect, denomination, or religious society; nor shall this section apply to or affect the Cornell University endowment fund, hitherto pledged and appropriated.

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that, in conformity with section 1 of article 13 of the Constitution, it be published for three months previous to the time of such election."

"An act to authorize the election and appointment of an overseer of the poor in the town of Clayton, in Jefferson county."

After some time spent therein, the President resumed the chair, and Mr. Lamont, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Lamont, from the same committee, reported in favor of the adoption of said concurrent resolution, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Lamont, from the same committee, reported in favor of the passage

of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

By unanimous consent, Mr. Veeder asked and obtained leave to introduce a bill entitled "An act to amend section 4 of title 3, of chapter 479 of the Laws of 1867, as amended by subdivision 4 of section 1 of chapter 24 of the Laws of 1870, entitled 'An act to amend the charter of the village of Dunkirk,'" which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Veeder, and by unanimous consent, the rules were suspended and said bill was ordered considered in first committee of the whole.

On motion of Mr. Schoonmaker, and by unanimous consent, the rules were suspended, and the bill entitled "An act repealing certain acts and parts of acts," was ordered considered in first committee of the whole.

Mr. Veeder offered the following :

*Resolved* (if the Assembly concur), That 1,500 extra copies of the thirty-second annual report of the Prison Association of New York be printed for the use of the said association.

*Ordered*, That said resolution be referred to the committee on public printing.

On motion of Mr. Harris, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act to amend chapter 896 of the Laws of 1869, entitled 'An act to incorporate the Crescent Company,' passed May 17, 1869," was ordered in first committee of the whole not full.

On motion of Mr. Tobey, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act to amend an act entitled 'An act to change the time of payment of certain railroad bonds of the town of Plattsburgh, executed in aid of the New York and Canada Railroad Company, and to issue other bonds in place thereof,' passed May 13, 1876," was ordered considered in first committee of the whole not full.

On motion of Mr. Jacobs, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act in relation to the salaries of the officers of the city of Brooklyn," was ordered considered in first committee of the whole not full.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend chapter 426 of the Laws of 1847, entitled 'An act to provide for the incorporation of villages,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend chapter 291 of the Laws of 1870, entitled 'An act for the incorporation of villages, passed April 20, 1870,' as amended by chapter 688 of the Laws of 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was recommitted the Assembly bill entitled "An act to amend chapter 776 of the Laws of 1870, entitled 'An act to amend an act entitled An act to provide for the incorporation of villages, passed December 7, 1874,' and the several acts amendatory thereof, so far as the same relate to the village of Mount Vernon, in the county of Westchester, and to declare, enlarge and define the powers and duties of the officers of said village,

and to confirm and extend the powers of the corporation of said village, passed May 10, 1870," reported in favor of the passage of the same, with amendments, and said bill was ordered to a third reading.

Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to extend the time for the organization and commencement of business of the American Loan Company," reported in favor of the passage of the same.

On motion of Mr. Wagstaff, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Sprague offered the following:

*Resolved* (if the Assembly concur), That the Legislature do consent to the reduction of tolls on rived hoops transported on the Erie, Champlain, Oswego and Cayuga and Seneca canals to such an extent, not exceeding fifty per cent below the rates of 1876, as the canal board shall in its discretion think expedient, and as the exigencies of trade shall demand during the ensuing season of navigation.

*Ordered*, That said resolution be laid upon the table.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders; and after some time spent therein, the hour of twelve o'clock having arrived, the President resumed the chair and announced executive session.

Mr. Woodin moved that the executive session be postponed until quarter before two o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then in committee of the whole resumed the consideration of general orders, being the bills entitled as follows:

"An act repealing certain acts and parts of acts.

"An act to amend section 4 of title 3, of chapter 479 of the Laws of 1867, as amended by subdivision 4 of section 1, of chapter 24 of the Laws of 1870, entitled 'An act to amend the charter of the village of Dunkirk.'

Assembly, "An act to amend part 1, title 5, chapter 5, section 7 of the Revised Statutes in relation to the appointment of collectors of canal tolls."

After some time spent therein, the President resumed the chair, and Mr. Carpenter, from said committee, reported progress on the first named bill, and asked leave to sit again.

Mr. Robertson moved that the committee of the whole be discharged from the further consideration of said bill and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Carpenter, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to and the same ordered engrossed for a third reading.

Mr. Carpenter, from the same committee, reported in favor of the passage of the last named bill, with amendments, and the title amended so as to read "An act to amend section 7 of chapter 5 of part 1 of title 5, of the Revised Statutes, in relation to the appointment of collectors of canal tolls," which report was agreed to, and the same ordered to a third reading.

On motion of Mr. Doolittle, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act to amend chapter 514 of the Laws of 1875, entitled 'An act to provide for the election of police justices in villages,'" was ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend chapter 896 of the Laws of 1869, entitled 'An act to incorporate the Crescent Company,' passed May 17, 1869."

Assembly, "An act to amend an act entitled 'An act to change the time of payment of certain railroad bonds of the town of Plattsburgh, executed in aid of the New York and Canada Railroad Company, and to issue other bonds in place thereof,' passed May 13, 1876."

Assembly, "An act in relation to the salaries, fees, per centages and allowances of the officers of the city of Brooklyn."

After some time spent therein, the President resumed the chair, and Mr. Hammond, from said committee, reported in favor of the passage of the first named bill, with amendments, and have amended the title thereof by adding thereto the words "and to extend the time within which the corporation thereby created may commence its operation," which report was agreed to, and the same ordered to a third reading.

Mr. Hammond, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Hammond, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Jacobs moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Jacobs moved that the executive session be postponed until tomorrow at twelve o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Gerard moved that at two o'clock the Senate take a recess until half-past seven o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Emerson	Robertson	Starbuck	16
Carpenter	Gerard	Schoonmaker	Wagner	
Cole	Harris	Selkreg	Woodin	
Doolittle	Morrissey	Sprague		

#### FOR THE NEGATIVE.

Hammond	Jacobs	Kennaday	Lamont	4
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On motion of Mr. Sprague, and by unanimous consent, the rules were suspended, and the bill entitled "An act for the better protection of passengers upon railroads, and to insure the prompt transportation and delivery of freights," was ordered considered in first committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders; and after some time spent therein, the hour of two o'clock having arrived, the President resumed the chair, and, pursuant to resolution, the Senate took a recess until half-past seven o'clock P. M.

## HALF-PAST SEVEN O'CLOCK P. M.

The Senate again met.

The Senate resolved itself into a committee of the whole, and resumed the consideration of general orders, being the bills entitled as follows:

"An act to provide for the better protection of passengers upon railroads, and to insure the prompt transportation and delivery of freights."

Assembly, "An act to amend section 1 of chapter 398 of the Laws of 1866, entitled 'An act to facilitate the construction of the New York and Oswego Midland railroad, and to authorize towns to subscribe to the capital stock thereof,' and to repeal chapter 143 of the Laws of 1876."

Assembly, "An act to empower the board of supervisors of Suffolk county to appoint three commissioners to locate an inlet from the Atlantic ocean to the Shinnecock bay, in said county."

After some time spent therein, the President resumed the chair, and Mr. Doolittle, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Doolittle, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered to a third reading.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to further amend chapter 448 of the Laws of 1876, entitled 'An act relating to courts, officers of justice and civil proceedings,' which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Robertson, and by unanimous consent, the rules were suspended and said bill was ordered to a third reading.

On motion of Mr. Tobey, and by unanimous consent, the rules were suspended and the Assembly bill entitled "An act relating to the collection of taxes in the town of Plattsburgh, in the county of Clinton," was ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to confer the powers of harbor master on the police patrolmen detailed to certain docks and piers in said city by the board of commissioners of police and excise of the city of Brooklyn."

Assembly, "An act to confirm and levy a certain assessment for excavating, filling and forming Swan street from Elm street to Morton street, in the city of Albany, and conferring upon the mayor and a majority of the common council of said city power to reduce the said assessment fifty per cent."

Assembly, "An act further to amend chapter 857 of the Laws of 1873, entitled 'An act in relation to the keeping open of certain public offices in the county of Kings,' and to extend the provisions of said act to the city of Brooklyn, to Long Island City and the counties of Queens and Suffolk."

After some time spent therein, the President resumed the chair, and Mr. Sprague, from said committee, reported in favor of the passage of the first and last named bills, which report was agreed to, and the same ordered to a third reading.



Mr. Sprague, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to validate and confirm the title to certain real estate in the city of New York."

Assembly, "An act to incorporate the Battle of White Plains Monument Association, to provide for the laying out of a plot of ground in the village of White Plains, county of Westchester, and State of New York, and for the erection of a monument thereon, commemorating the battle of White Plains, fought October 28, 1776."

Assembly, "An act to confirm, reduce and levy a certain assessment for improving part of Union street, in the city of Brooklyn."

After some time spent therein, the President resumed the chair, and Mr. Starbuck, from said committee, reported progress on the first named bill, and asked leave to sit again.

On motion of Mr. Schoonmaker, and by unanimous consent, the rules were suspended and the committee of the whole was discharged from the further consideration of said bill, and the same was ordered to a third reading.

Mr. Starbuck, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered to a third reading.

By unanimous consent, Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to provide for paying for services and materials furnished in caring for and burying certain members of the National Guard killed and wounded in the public service," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize and confirm the action of Ansel F. Conger, Jonathan W. Potter and Leander Stafford, assessors of Gowanda Union Free School District," reported in favor of the passage of the same with amendments, and the title amended so as to read "An act to legalize and confirm the official acts and proceedings of Ansel F. Conger, Jonathan W. Potter and Leander Stafford, as assessors of Gowanda Union Free School District," and directed their chairman to report the same to the Senate.

On motion of Mr. Sprague, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to legalize and confirm the titles of Edwin Carr and Maurice Nelan, to certain lands situate in Bethany, Genesee county, New York, which were heretofore conveyed to them by the superintendents of the poor of said county."

Assembly, "An act relative to the bonded indebtedness of cities, villages, towns and counties."

Assembly, "An act to amend chapter 628 of the Laws of 1857, entitled 'An act to suppress intemperance and to regulate the sale of intoxicating liquors.'"

After some time spent therein, the President resumed the chair, and Mr. Wagstaff, from said committee, reported in favor of the passage of the first and last named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Wagstaff, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

The Assembly sent for concurrence the bill entitled as follows:

"An act to amend chapter 149 of the Laws of 1874, entitled 'An act to amend the act passed April 27, 1872, entitled An act to amend chapter 657 of the Laws of 1871, entitled An act to amend the act passed February 17, 1848, entitled An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed April 20, 1871;" and also to amend chapter 960 of the Laws of 1867, entitled "An act to authorize the consolidation of corporations organized under the title 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed February 17, 1848, or any of the acts amending or extending the same," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Bradley, and by unanimous consent, said bill was substituted for Senate bill No. 393, G. O. 593, now on order of third reading.

"An act to provide for the payment of certain sewers built in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend chapter 555 of the Laws of 1864, entitled 'An act to revise and consolidate the general acts relating to public instruction,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to provide for the introduction of an improved system of steam towage upon the canals of the State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That the clerks of the two houses furnish each Senator and member of the present Legislature with three copies and each officer and reporter with one copy of the New York Civil List, the same to be brought down to include all officers of the National and State Governments to and including the year 1877, providing the cost thereof shall not exceed two dollars per copy.

*Ordered*, That said resolution be referred to the committee on public printing.

The Assembly returned the bill entitled "An act to authorize the city of Rochester to acquire the title to land or other property for the use of water-works," with a message that they do non-concur in the amendments of the Senate thereto, request a committee of conference thereon, and have appointed a committee on their part consisting of Messrs. J. S. Graham, G. M. Case, Backenstose, Mitchell and W. L. Rockwell.

Mr. Emerson moved that a like committee be appointed on the part of the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee Messrs. Emerson, Vedder and Gerard.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have appointed a committee of conference thereon.

The Assembly returned the bill entitled "An act to amend chapter 77 of the Laws of 1870, entitled 'An act to amend the act to combine into one act the several acts relating to the city of Albany, passed April 12, 1842,' and the several acts amendatory thereof, in so far as they relate to the city of Albany," with a message that they do not concur in the amendments of the Senate thereto, request a committee of conference thereon, and have appointed a committee on their part consisting of Messrs. Herrick, Maher, G. M. Case, J. S. Graham and Fay.

Mr. Harris moved that a like committee be appointed on the part of the Senate.

The President put the question whether the House would agree to said motion, and it was decided in the affirmative.

The President announced as such committee Messrs. Harris, Wagner and Wagstaff.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have appointed a committee of conference thereon.

Mr. Sprague moved to take from the table the motion to reconsider the vote by which the bill entitled "An act extending the time for Maria Matilda Thompson to file her claim for damages with the Canal Appraisers," was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Harris	Morrissey	Sprague
Bixby	Jacobs	Robertson	Vedder
Cole	Kennaday	Sayre	Wagner
Doolittle	Lamont	Selkreg	Wagstaff
Emerson	McCarthy		

18

#### FOR THE NEGATIVE.

Bradley	Moore	Schoonmaker	Woodin
Hammond			

5

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend chapter 139 of the Laws of 1870, entitled 'An act to annex parts of the towns of Bethlehem and Watervliet, in the

county of Albany, to the city of Albany, and to exempt such parts thereof from certain taxes, and to annex a part of the city of Albany to the town of Watervliet,' passed April 6, 1870."

"An act to amend chapter 269 of the Laws of 1872, entitled 'An act authorizing the construction of a bridge across the Hudson river at the city of Albany, and incorporating the Albany and Greenbush Bridge Company.'"

"An act to confer on boards of supervisors further powers of local legislation and administration."

After some time spent therein, the President resumed the chair, and Mr. Emerson, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Emerson, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Emerson, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Jacobs moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Jacobs moved that said bill be recommitted to the committee on the judiciary, retaining its place in the order of third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Wagstaff, the Senate adjourned.

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## THURSDAY, MAY 17, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

On motion of Mr. Kennaday the reading of the journal of yesterday was dispensed with.

Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to discontinue the Addison and Elkland Plank-road Company," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to authorize the board of supervisors of the county of Steuben to determine that the Addison and Elkland Plank-road Company abandon its plank-road in that county and to provide for the abandonment thereof," and said bill was committed to the committee of the whole.

On motion of Mr. Bradley, and by unanimous consent, said bill was ordered considered in first committee of the whole.

Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend chapter 817 of the Laws of 1866, entitled 'An act to lay out and construct a road from the river road, in township No. 14, in the town of Johnsburgh, to the Carthage road, near the head of Long lake, in the county of Hamilton,'"

reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the following entitled bills and concurrent resolution:

"An act repealing certain acts and parts of acts."

"An act to extend the time for the organization of the American Loan Company, and the commencement of its business."

"An act to amend section 4 of title 3 of chapter 479 of the Laws of 1867, as amended by subdivision 4 of section 1 of chapter 24 of the Laws of 1870, entitled 'An act to amend the charter of the village of Dunkirk.'"

"An act to authorize the election and appointment of an overseer of the poor in the town of Clayton, in Jefferson county."

"Concurrent resolution proposing an amendment to article 9 of the Constitution in relation to the schools."

"An act to further amend chapter 448 of the Laws of 1876, entitled 'An act relating to courts, officers of justice and civil proceedings.'"

"An act to provide for the better protection of passengers upon railroads, and to insure the prompt transportation and delivery of freights."

"An act to amend chapter 269 of the Laws of 1872, entitled "An act authorizing the construction of a bridge across the Hudson river at the city of Albany, and incorporating the Albany and Greenbush Bridge Company."

"An act to suspend the operation of parts of chapters 448 and 449 of the Laws of 1876, to continue in force the laws superseded thereby, and to regulate proceedings in civil actions."

"An act to organize the Senate districts, and for the apportionment of the members of Assembly of this State."

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to incorporate the Buffalo Pipe Line Company," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to confirm and legalize the acts of William M. Summers as notary public of the county of Kings, since March 31, 1877," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release to Louisa Pecott, of Oswego City, New York, formerly Louisa Daigneau, of the same place, the title and interest of the people of the State of New York in the real estate of which Joseph Daigneau, of Oswego, died possessed," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the better protection of persons and property, and the more effectual prevention of crime at sea bathing places and upon vessels plying between such places and the cities within this State," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act authorizing licenses to keep taverns without including a license to sell spirituous or intoxicating liquors," reported adversely thereto.

Mr. Doolittle moved to disagree to said report, and that said bill be committed to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act transferring the interests of the people of the State of New York in the National Antietam Cemetery to the Government of the United States," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act to authorize the Commissioners of the Land Office to sell and convey lands in Clinton county," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act to confer additional powers upon the State Assessors," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was recommitted the bill entitled "An act in relation to the clerks of the district courts of the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act in relating to the floating debt of the village of Edgewater," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was recommitted the Assembly bill entitled "An act to amend the charter of the village of Edgewater," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act authorizing the taxation of stockholders of banks and the surplus funds of savings banks," reported adversely thereto (Messrs. Harris and Jacobs dissenting).

Mr. Jacobs moved to disagree with said report, and that said bill be committed to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

#### FOR THE AFFIEMATIVE.

Baaden	Gerard	Morrissey	Sprague
Bixby	Harris	Prince	Starbuck
Carpenter	Jacobs	Robertson	Vedder
Cole	Kennaday	St. John	Wagner
Coleman	Lamont	Sayre	Wagstaff
Doolittle	Loomis	Selkreg	Wellman

24

#### FOR THE NEGATIVE.

Hammond      McCarthy      Woodin

Mr. Jacobs moved that the consideration of said bill be made a special order for to-morrow morning at twelve o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Harris	Morrissey	Sprague
Bixby	Jacobs	Prince	Starbuck
Carpenter	Kennaday	Robertson	Vedder
Cole	Lamont	St. John	Wagner
Coleman	Loomis	Sayre	Wagstaff
Doolittle	McCarthy	Selkreg	Wellman
Gerard			

25

## FOR THE NEGATIVE.

Emerson	Hammond	Woodin	3
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Mr. Wagner, from the committee on public printing, to which was referred the Assembly resolution to print copies of the New York Civil List, reported in favor of the adoption of the following resolution :

*Resolved* (if the Senate concur), That the Clerks of the two houses furnish each Senator and Member of the present Legislature with three copies, and each officer and reporter with one copy, of the New York Civil List, the same to be brought down to include all officers of the national and State governments to and including the year 1877, providing the cost thereof shall not exceed two dollars per copy.

The President put the question whether the Senate would agree to said resolution, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Loomis	Prince	Wagner
Kennaday			

5

## FOR THE NEGATIVE.

Bradley	Lamont	St. John	Tobey
Carpenter	McCarthy	Sayre	Vedder
Emerson	Morrissey	Sprague	Wellman
Gerard	Robertson	Starbuck	Woodin
Jacobs			

17

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have non-concurred in the passage of the same.

Mr. Wagner, from the committee on public printing, to which was referred the resolution to print extra copies of the thirty-second annual report of the Prison Association, reported in favor of the adoption of the following resolution :

*Resolved* (if the Assembly concur), That 1,000 extra copies of the thirty-second annual report of the Prison Association of New York be printed for the use of the said association, provided the cost shall not exceed ten cents per page per 100 copies.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Prince	Starbuck
Bixby	Harris	Robertson	Tobey
Bradley	Kennaday	St. John	Wagner
Carpenter	Loomis	Sayre	Wellman
Coleman	McCarthy	Selkreg	Woodin
Doolittle	Morrissey		

22

## FOR THE NEGATIVE.

Jacobs

Lamont

Sprague

3

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

The Assembly returned the following entitled Assembly bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to amend section 53 of chapter 220 of the Laws of 1866, entitled 'An act to amend the charter of the village of Saratoga Springs and the several acts amendatory thereof.'"

"An act to amend chapter 184 of the Laws of 1866, entitled 'An act for the better protection of seamen in the port and harbor of New York.'"

"An act to provide for the introduction of the Stevenson traction system of towage on the Erie canal."

"An act to amend chapter 319 of the Laws of 1848, entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies, and to make it applicable to literary societies.'"

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the bills entitled as follows:

"An act to authorize the towns of Mentz and Montezuma, in the county of Cayuga, to cancel and surrender stock held by them in the Cayuga Northern railroad."

"An act to legalize and confirm the acts of Truman C. White as notary public."

"An act to amend chapter 305 of the Laws of 1857, entitled 'An act to consolidate school districts No. 6 and No. 15, in the town of Mentz, in the county of Cayuga, into one school district, and to provide for the organization of a school and academy therein, and to enable the said district to loan money to erect the necessary buildings therefor.'"

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the bill entitled "An act to amend chapter 497 of the Laws of 1870, entitled 'An act to establish a police force in the county of Richmond,' " with a message that they do non-concur in the amendments of the Senate thereto, request a committee of conference thereon, and have appointed a committee on their part consisting of Messrs. Brick, Williams, Bowen, Morey and Weiant.

Mr. Prince moved that a like committee be appointed on the part of the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee Messrs. Prince, Tobey and Hammond.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have appointed a committee of conference thereon.

A message was received from the Governor in the words following:

STATE OF NEW YORK,  
EXECUTIVE CHAMBER — ALBANY, May 17, 1877. }

*To the Senate:*

In accordance with a joint resolution of the Senate and Assembly I return herewith for amendment Senate bill No. 350, entitled "An act to incorporate the New York Pipe Company."

L. ROBINSON.



The President put the question whether the Senate would agree to reconsider the vote by which said bill was passed, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Vedder
Bixby	Gerard	Morrissey	Wagner
Bradley	Harris	Robertson	Wagstaff
Carpenter	Jacobs	Sayre	Wellman
Cole	Kennaday	Selkreg	Woodin
Coleman	Loomis	Tobey	

23

On motion of Mr. Vedder, and by unanimous consent, said bill was amended as follows:

Section 1, line 1, change name "John Waterbury," to "John L. Waterbury."

Amend section 8 so as to read:

§ 8. The corporation hereby created shall be subject to all the provisions of chapter 611 of the Laws of 1875, entitled "An act to provide for the organization and regulation of certain business corporations," so far as the same may be applicable; and the persons named in the first section of this act may organize the said corporation either as a full liability company, or a limited liability company, as they may elect.

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Tobey
Bixby	Gerard	Moore	Vedder
Bradley	Harris	Morrissey	Wagner
Cole	Jacobs	Robertson	Wellman
Coleman	Kennaday	St. John	Woodin
Doolittle	Lamont	Sayre	

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein, as amended.

Mr. Harris moved to take from the table the motion to reconsider the vote by which Assembly bill entitled "An act to amend chapter 448 of the Laws of 1865, entitled 'An act to facilitate the construction of railroads and tram roads within the counties of Essex and Clinton, and to authorize the formation of companies therefor, and to extend the same to all counties of this State except New York, Kings, Erie and Niagara,'" was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to reconsider the vote by which said bill was lost, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	Kennaday	Sayre
Bradley	Emerson	Loomis	Selkreg
Carpenter	Gerard	Moore	Tobey
Cole	Harris	Morrissey	Vedder
Coleman	Jacobs	Robertson	Woodin

20

On motion of Mr. Harris, and by unanimous consent, said bill was so amended that the provisions of said act should apply to the counties of Essex, Clinton, Warren and Columbia.

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate, voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Baaden	Doolittle	Lamont	Sprague
Bixby	Gerard	Moore	Tobey
Bradley	Hammond	Morrissey	Vedder
Carpenter	Harris	Robertson	Wagner
Cole	Jacobs	St. John	Woodin
Coleman	Kennaday		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Kennaday moved to reconsider the vote by which the report of the committee on printing on furnishing copies of the Civil List was disagreed to.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

**FOR THE AFFIRMATIVE.**

Kennaday	Prince	Selkreg	Starbuck
Lamont			

5

**FOR THE NEGATIVE.**

Baaden	Doolittle	Moore	Tobey
Bradley	Emerson	Robertson	Vedder
Carpenter	Gerard	St. John	Wellman
Cole	McCarthy	Sprague	Woodin
Coleman			

17

The hour of twelve o'clock having arrived, the President, pursuant to resolution, announced executive session.

Mr. Woodin moved that the executive session be postponed for half an hour.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to repeal an act to alter the map or plan of the city of New York by laying out thereon a parade ground, and to authorize the taking of the same," passed April 20, 1871," having been announced for a third reading,

Mr. Morrissey moved that said bill be recommitted to the committee on the affairs of cities, with instructions to amend as follows :

1. Strike out the whole of section 2 and substitute the following :

§ 2. The Supreme Court, at any special term thereof, to be held within the first judicial district within the three months next after the passage of this act, upon the application of any owner of any real estate situated within the boundaries of the plot of land laid out for a military parade ground on the map heretofore filed pursuant to the provisions of the act hereby repealed, shall make an order requiring the counsel to the cor-

poration of the city of New York, and all persons claiming to be entitled, as the owners of any real estate situated within such boundaries, to any compensation for loss or damage arising from or by reason of the laying out of said parade ground as aforesaid, or the proceedings heretofore taken pursuant to the said act, or by reason of the repeal of said act, to show cause at a special term of said court, to be held at a time specified in said order, why commissioners of appraisal should not be appointed to appraise and estimate such damage. And a notice containing a recital of the provisions of said order shall be served on the counsel to the corporation, and shall be published twice in each week for three weeks consecutively in three daily newspapers published in said city. Upon the return of said order to show cause, the court shall hear the parties appearing in such proceeding and shall appoint three discreet persons as commissioners of appraisal to estimate and determine such loss and damage to the petitioner, and to all other persons claiming to be entitled thereto. Such commissioners shall thereupon proceed to estimate and determine such loss and damage, and for that purpose shall hold public sessions at which proof may be offered by any persons claiming such compensation, and by the counsel to the corporation, who shall appear in said proceedings in behalf of the mayor, aldermen and commonalty of said city. The said commissioners shall, within the three months succeeding their appointment, present to said court, at special term, the report of their proceedings, in which they shall set forth the amount of compensation for any such loss or damage awarded by them to the respective claimants; eight days' notice of the presentation of said report shall be given to all parties who shall have appeared before said commissioners or their attorneys, and to the counsel to the corporation. Upon the presentation of said report, the court shall hear the several parties appearing in support or in opposition thereto, and shall either confirm said report or send the same back to such commissioners for correction. If said report shall be confirmed the same shall thereupon be in all things final and conclusive in respect to any damage and compensation which might be awarded pursuant to the provisions of this act as well against the mayor, aldermen and commonalty of said city as against any and all person and persons whomsoever, except for the purpose of an appeal, as herein provided. If said report shall not be confirmed, but shall be sent back to said commissioners, the said commissioners shall thereupon revise and correct the same, and shall again make a report to said court, and such procedure shall be repeated and continued until a report shall be presented which shall be confirmed by the court. Whenever any such report shall be confirmed, any sum or amount thereby awarded for loss or damage as aforesaid, and the amount of costs and expenses of such proceedings not to exceed the sum of three thousand dollars, to be taxed by the court, shall be and become a debt of and a charge against the mayor, aldermen and commonalty of the city of New York, and shall be paid by the comptroller of said city to the several persons entitled thereto, under the provisions of the order of confirmation. The comptroller and board of estimate and apportionment are hereby authorized and directed to issue bonds of said city for the purpose of providing funds with which to pay such awards and said costs and expenses in the same manner and form as bonds issued in anticipation of the collection of taxes, and the amount required to pay said bonds shall be raised by tax in the annual taxation in the city and county of New York, in the succeeding years. An appeal may be taken

to the general term of the Supreme Court from any decision of the court at special term in the proceedings above provided for.

2. Add to section 3 the words "This act shall take effect immediately."

3. Add to the title the words "and to provide for the payment of compensation for loss and damage to certain owners of land affected by said act."

Mr. Gerard moved to amend so that the committee be instructed to amend the said bill as follows:

1. At the end of section 1 add the words "except as hereinafter specified."

2. Strike out the whole of section 2 and substitute therefor the following:

§ 2. The Supreme Court, at any special term thereof, to be held within the first judicial district within three months next after the passage of this act, upon the application of any owner of any real estate situated within the boundaries of the plot of land laid out for a military parade ground, on the map heretofore filed pursuant to the provisions of the act hereby repealed, shall make an order requiring the counsel to the corporation of the city of New York, and all persons claiming to be entitled, as the owners of any real estate situated within such boundaries, to any compensation for loss or damage arising from or by reason of the laying out of said parade ground, or by reason of the repeal of said act, to show cause at a special term of said court to be held at a time specified in said order, why commissioners of appraisal should not be appointed to appraise and estimate such alleged damages; and a notice containing a recital of the provisions of such order shall be served on the counsel to the corporation, and shall be published twice in each week for three weeks consecutively, in three daily newspapers published in said city. Upon the return of said order to show cause, the said court shall hear the parties appearing in such proceedings, and if in the opinion of said court such claims are valid and lawful, but not otherwise, shall appoint three discreet persons as commissioners of appraisal to estimate and determine such alleged loss and damage to the petitioner and to all other persons claiming and entitled thereto. Such commissioners shall thereupon proceed to estimate and determine such loss and damage, if any, and for that purpose shall hold public sessions, at which proof may be offered by any persons claiming such compensation, and by the counsel to the corporation, who shall appeal in said proceedings in behalf of the mayor, aldermen and commonalty of said city. The said commissioners shall within the three months succeeding their appointment or within such further time as is allowed by the court, present to said court at special term, the report of their proceedings in which they shall set forth the amount of compensation if any, for any such loss or damage awarded by them to the respective claimants; eight days' notice of the presentation of said report shall be given to all parties who shall have appeared before said commissioners, or their attorneys, and to the counsel to the corporation. Upon the presentation of said report, the court shall hear the several parties appearing in support or in opposition thereto, and may either confirm said report or send the same back to such commissioners for correction. The said court shall also at such time determine whether or not any, and if any, which of the claims presented to the said commissioners are legal and valid claims against the city of New York, in accordance with the law existing at the time of the passage of this act; and any and all claims which are not then determined by the

said court to be so legal and valid, shall thenceforth be excluded from the operation of this act, except for purposes of appeal from said determination. If said report shall be confirmed the same shall thereupon be, in all things, final and conclusive in respect to any damage and compensation which might be claimed and awarded pursuant to the provisions of this act, as well against the mayor, aldermen and commonalty of said city as against any and all person and persons whomsoever. If said report shall not be confirmed, but shall be sent back to said commissioners, the said commissioners shall thereupon revise and correct the same in accordance with the instructions of the court, and shall again make a report to said court, and such procedure shall be repeated and continued until a report shall be presented which shall be confirmed by the court. Upon the final confirmation of the report, any sum or amount thereby awarded for loss or damage as aforesaid, and the amount of the costs and expenses of such proceedings of the parties to whom damages shall be awarded, shall be and become a debt and a charge against the mayor, aldermen and commonalty of the city of New York, and shall be paid by the comptroller of said city to the several persons entitled thereto, under the provisions of the order of confirmation. The comptroller and the board of estimate and apportionment are hereby authorized and directed to issue bonds of said city for the purpose of providing funds with which to pay such awards in the same manner and form as bonds issued in anticipation of the collection of taxes, and the amount required to pay said bonds shall be raised by tax in the annual taxation in the city and county of New York in the succeeding year. Nothing herein contained shall be construed to legalize, confirm or recognize, as valid, any claim or claims hereinbefore mentioned, but the legality or validity of any and all such claims shall be determined by the said court, in accordance with the law existing at the time of the passage of this act. An appeal may be taken to the general term of the Supreme Court and no further, from any decision of the court at special term, and on such appeal the general term may examine and determine all questions raised at any time either before the commissioners or the special term.

Pending which,

Mr. Sprague moved that said bill be laid upon the table, and that the proposed amendments be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Jacobs presented the following:

*Resolved* (if the Assembly concur), That a respectful message be sent to his Excellency, the Governor, requesting the return for amendment "An act to amend chapter 667 of the Laws of 1870, entitled 'An act to incorporate the Brooklyn Library Building Fund Association, of the Eastern District.'"

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act for the relief of William McDonald for materials supplied for the repairs of certain roads in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. McCarthy, from the committee on literature, to which was referred the Assembly bill entitled "An act to

authorize the board of education of union school district No. 1, of the town of Ellicott, Chautauqua county, to employ a superintendent of schools," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson presented the following:

The committee of conference, to which was referred the matter of difference between the Senate and Assembly on the bill entitled "An act to amend chapter 767 of the Laws of 1872, entitled 'An act to establish the compensation of county judges and surrogates pursuant to the 15th section of the amended 6th article of the Constitution,'" report that they met and duly considered such matters of difference, and have agreed to recommend as follows:

1st. That the Senate recede from its amendment fixing the salary of the county judge of Monroe county at three thousand dollars, and from its amendment fixing the salary of the county judge of Livingston county at two thousand dollars.

2d. That the salaries of the county judge and surrogate of Columbia county be fixed at two thousand dollars each; the salaries of the county judge and surrogate of Rensselaer county be fixed at thirty-five hundred dollars each; the salary of the county judge and surrogate of Jefferson county to be fixed at fifteen hundred dollars each; the salary of the surrogate of Monroe county be fixed at thirty-five hundred dollars.

3d. That the Assembly concur in all the other amendments proposed to the bill by the Senate.

All of which is respectfully submitted.

W. H. ROBERTSON,  
L. BRADFORD PRINCE,  
GEO. B. BRADLEY,  
*Senate Committee.*

JAS. W. HUSTED,  
WALTER T. L. SANDERS,  
W. B. BACKENSTOSE,  
JOHN H. BURNS,  
*Assembly Committee.*

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Starbuck
Bradley	Jacobs	Robertson	Tobey
Carpenter	Kennaday	St. John	Vedder
Cole	Lamont	Sayre	Wagner
Doolittle	Loomis	Sprague	Woodin
Emerson	McCarthy		

22

#### FOR THE NEGATIVE.

Wellman

1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference thereon.

A message was received from the Governor in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, May 17, 1877. }

*To the Senate:*

I return, without approval, Senate bill No. 196, entitled "An act to amend chapter 667 of the Laws of 1870, entitled 'An act to incor-

porate a Brooklyn Library Building Fund Association of the Eastern District.”

The second section of this bill provides that where subscribers shall have forfeited the stock for which they have subscribed, in accordance with the provisions of this act, they shall, in no case, be liable for the unpaid assessments or balance on such stock.

It cannot be denied that this is a direct violation of section ten of article one of the United States Constitution, which provides that no State shall pass an act impairing the obligation of contracts.

A subscription for stock has always been regarded in law as a contract, and the party subscribing has always been held liable to fulfill the obligation he assumed in the subscription. This being so, the present act is clearly in derogation of the provision of the Constitution above mentioned, and is beyond the power of the Legislature.

L. ROBINSON.

Mr. Jacobs moved that said message be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A message was received from the Governor in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, May 17, 1877.

*To the Senate :*

I return, without approval, Senate bill No. 286, entitled “An act to annul or repeal the incorporation of the Clyde and Rose Plank-road Company.”

I am informed that the supervisors of the county of Wayne have already extended the charter of the plank-road mentioned in this bill, and that the effect of this act, if it be made a law, is simply to reverse the decision of the board of supervisors in the same matter. The policy of the law is against the interference of the Legislature in any local matters which are properly the subject of action of the board of supervisors, and it is especially improper that the Legislature should interfere with such matters where the local boards of supervisors have already made a decision in the premises. For these reasons I am unable to approve of this bill.

L. ROBINSON.

Mr. Woodin moved that said message be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A message was received from the Governor in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, May 17, 1877.

*To the Senate :*

I return, without approval, Senate bill No. 315, entitled “An act to authorize the trustees of Skaneateles, in the county of Onondaga, to sell certain real estate, and to raise money by tax for building an engine-house, and for other village purposes.”

This bill is objectionable as special legislation to accomplish an object provided for by general laws. The power to convey the real estate mentioned is already in the village charter, and the other acts sought to be authorized may be done under the sanction of the board of supervisors of Onondaga county, in accordance with the provision of chapter 482 of the Laws of 1875.

L. ROBINSON.

Mr. McCarthy moved that said message be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned, pursuant to resolution, the bill entitled "An act supplemental to chapter 140 of the Laws of 1850, entitled 'An act to authorize the formation of railroad corporations, and to regulate the same.'"

On motion of Mr. Bixby, and by unanimous consent, the rules were suspended, and the vote by which said bill was passed was reconsidered.

Mr. Bixby moved that said bill be recommitted to the committee on railroads.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The hour of half-past twelve o'clock having arrived, the Senate went into executive session; and after some time spent therein the doors were opened and the Senate resumed legislative business.

The bill entitled "An act to organize the Senate districts and for the apportionment of the members of Assembly of this State," having been announced for a third reading,

Mr. Vedder moved that said bill be recommitted to the special committee on apportionment, with instructions to strike out the enacting clause.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative:

Mr. Bixby moved that said bill be recommitted to said committee, with instructions to amend as follows:

Strike out the fifth, sixth, seventh, eighth, ninth, tenth and eleventh Senate districts, and insert in lieu thereof the following:

The fifth Senate district shall consist of Richmond county and the first, second, third, fourth, fifth, sixth and seventh wards of the city of New York.

The sixth Senate district shall consist of the tenth, eleventh, thirteenth and fourteenth wards of the city of New York.

The seventh Senate district shall consist of the seventeenth ward and so much of the eighteenth ward as lies between Fourteenth street and Twenty-second street, Sixth avenue and the East river, in the city of New York.

The eighth Senate district shall consist of the eighth, ninth, fifteenth and sixteenth wards of the city of New York.

The ninth Senate district shall consist of the twentieth and twenty-first wards and so much of the eighteenth ward as lies between Twenty-second and Twenty-sixth streets, Sixth avenue and East river.

The tenth Senate district shall consist of so much of the nineteenth and twenty-second wards as lies between Fortieth street and Sixtieth street, in the city of New York.

The eleventh Senate district shall consist of so much of the city of New York as lies north of Sixtieth street.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Hammond	Loomis	St. John
Bradley	Jacobs	Morrissey	Starbuck
Gerard	Kennaday		



## FOR THE NEGATIVE.

Baaden	Doolittle	Prince	Vedder	
Carpenter	Harris	Robertson	Wagner	
Cole	McCarthy	Selkreg	Wellman	
Coleman	Moore	Sprague	Woodin	16

Mr. Prince moved that said bill be recommitted to the said committee with instructions to amend by adding to the first district the county of Richmond.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Lamont	Prince	Sayre	Selkreg	4
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## FOR THE NEGATIVE.

Baaden	Emerson	Loomis	Sprague	
Bixby	Gerard	McCarthy	Starbuck	
Bradley	Hammond	Moore	Vedder	
Carpenter	Harris	Morrissey	Wagner	
Cole	Jacobs	Robertson	Wellman	
Coleman	Kennaday	St. John	Woodin	
Doolittle				25

Pending the conclusion of the third reading,

On motion of Mr. Woodin, the Senate took a recess until half-past seven o'clock P. M.

## HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

Mr. Woodin moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Coleman	Prince	Selkreg	
Bixby	Doolittle	Robertson	Sprague	
Carpenter	Harris	Sayre	Woodin	
Cole				18

## FOR THE NEGATIVE.

Bradley	Hammond	Lamont	St. John	
Emerson	Jacobs	Loomis	Starbuck	
Gerard	Kennaday	Morrissey		11

Whereupon the Senate adjourned.

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FRIDAY, MAY 18, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

On motion of Mr. Woodin, the reading of the journal of yesterday was dispensed with.

A message was received from the Governor in the words following :

STATE OF NEW YORK — EXECUTIVE CHAMBER, {  
ALBANY, May 17, 1877. }

*To the Senate :*

I return, without approval, Senate bill No. 231, entitled "An act supplemental to chapter 335 of the Laws of 1873, entitled 'An act to reorganize the local government of the city of New York.'"

The spirit of our institutions is at war with every effort of the minority to defeat the will of the majority in any locality through legislative means. When we deny self-government to any section of the people we belie the faith and teachings of our fathers. Equal representation is prerequisite to the right of taxation. Without it legislative levies on localities are simply oppressive. This conceded doctrine is nowhere more scrupulously maintained than in our Constitution, which provides that the Legislature shall, on the completion of every census, award to each part of the State the representation to which its population entitles it. For nearly two years this mandate of our highest law has been defied and disobeyed. A Legislature morally, if not legally, irregular, assumes to revolutionize the local law in a city of a million while denying to that city the representation which is its right. Upon the final passage of the present bill in the Assembly, 78,000 people in Putnam, Wayne, Schuyler and Cortland counties, by their representatives, cast four votes for it, while the 96,000 people of the twentieth New York district were allowed to cast but one against it. It is neither justice nor common sense that the representatives of 31,000 people in two rural counties, without interest in this act, should nullify the votes of 170,000 inhabitants of two New York districts against it, whose personal rights are committed to its care.

The first objection to its enactment is that while it professes to provide for all the great interests and wants of the people of the city of New York, it is passed when the city is not fully and fairly represented in the Legislature, as the Constitution requires that it should be. By the omission of the Legislature to make such an apportionment of the Senators and Members of Assembly as is required by the Constitution, the city of New York is deprived of the presence and votes of at least seven additional representatives to which she is entitled in the two houses of the Legislature, and this legislation is imposed upon it in the absence of such representation.

In the next place, of the twenty-one Members of Assembly and five Senators, making twenty six in all, from the city, nineteen opposed and voted against the bill. Of the forty-seven Senators and Members of Assembly from the city, Long Island counties, Westchester, Richmond and Rockland, immediately surrounding the city and acquainted with its affairs, only fourteen voted for this bill, whilst all the residue (thirty-three) voted against it. The seventeen Members of Assembly who voted against the bill represented 826,454 of the 1,045,223 inhabitants of the city, as shown by the last census. It is perfectly clear, therefore, that this bill, whether good or bad, is forced upon the people of the city against their will, by the representatives of the interior, western and northern parts of the State, who know least of its affairs.

If local self-government is more than an empty name, such legislation should not be. Were there no other argument against the bill than this, a sense of duty to the principles of popular representation and the Con-

stitution I am sworn to follow, would forbid my approval of this or any similar measure forced on an unwilling people whose proper voice is silent in the legislative halls. I cannot admit the right of the Legislature to regulate the municipal affairs of New York, while refusing it its fair apportionment of members in either house.

Twenty years ago the experiment was undertaken of withdrawing from the city of New York the powers of local government which it held under its charter, and supplying their place with acts of the State Legislature. The history of this legislation is, with few exceptions, one long record of confusion, robbery and wrong. Over 2,300 laws relating to the city, of which nearly 600 make or modify governmental powers, have been precipitated upon the statute books within that time. Laws heaped on laws, original, repealing, amendatory and re-enacting, make a mingled heap from which lawyers shrink confounded, and judges turn at fault. Our highest court has held one branch of New York city law utterly beyond interpretation or construction.

Nor is this all. Within the shadow of this mighty stack of statutes great combinations have been formed for public plunder and private wrong. Sheltered by ambiguous law, the conspirators have safely fattened on spoils wrenched from the plundered poor.

In 1857, the population of the city was 700,000, and its debt \$18,740,188; in December, 1876, its population was 1,045,000, while the debt was \$121,178,450. The population within nineteen years has increased fifty per cent, and the debt six hundred per cent. Within the same period taxes have been drawn from the people of that city to the amount of hundreds of millions of dollars, and the many disgraceful passages in its municipal government prior to 1872 are too well known to require repetition. In the last mentioned year, the outraged people of the city rose and demanded reform, and did what they could to effect it within the limited powers which the Legislature had deigned to leave them.

The bill now in question has been claimed as a measure of reform. I understand that as it was originally prepared it was entitled to be so regarded; but those who drew it, since its manipulation by the Legislature, are scarcely able to recognize its original features, and disclaim responsibility for it in its present shape. After a very careful examination of its provisions, and listening attentively to all the discussions of its merits and demerits, by its friends and opponents, who have appeared before me, it seems to me a return to the old and bad practice of partial legislation, not to attain reform in municipal government, but to effect political and personal ends, and a fresh distribution of patronage and power for the benefit of individuals.

Section 3 of the bill provides for the election of a mayor on the first Tuesday in April in every second year, who shall enter on the duties of his office on the first of May succeeding his election. Section 4 provides that whenever the president of the board of aldermen becomes acting mayor, in case of a vacancy in the mayor's office, he shall continue to act as mayor until the first day of May succeeding the next election at which a mayor can be chosen. It is apparent, therefore, that if a vacancy should occur between the first Tuesday in April in any election year and the following first of May, the mayor elect and the president of the board of aldermen would both be mayor for the next two years. The bill gives each of them a clear title to the office.

Section 7 takes away from the board of aldermen the power of confirmation of heads of departments and the chamberlain.

These officers in the city of New York are each charged with the performance of most important duties, with great powers and responsibilities. To give to the mayor sole and absolute power to appoint and remove them is contrary to the whole theory of our government, and might be very dangerous to all public interests, if the office of mayor should chance to fall into bad hands.

Section 9 abolishes the present commission of public parks, and declares that hereafter the head of the department of public parks in said city shall be an officer called the commissioner of parks, who shall hold office four years and receive a salary of \$5,000.

The officers of the present department of public parks have generally discharged their duties to the entire satisfaction of the public. They serve without pay, and there can be no apparent object in legislating them out of office, unless it be to place undue power in the hands of some one man.

Section ten provides that the department of public works shall have charge and control of the construction, maintenance and management of all the public squares, parks and places, and their adjoining sidewalks; while section eleven declares that all the powers now possessed by the department of parks not continued in that department by this bill, shall be turned over to the department of public works. The sixth subdivision of the thirteenth section further declares that the department of public works shall have control of the construction, erection, maintenance and care of all buildings now belonging to or hereafter to be erected for the city, except those of the police, fire, charity and educational departments. By comparing these two sections it appears that the act, either intentionally or by accident, transfers to the department of public works absolute control of all city buildings in the parks. This provision will certainly result in conflict of authority between these two departments. It seems impossible that such radical changes in so important a department should be countenanced. It is very essential to the efficiency of the park department that it should have exclusive and ample authority, not only about the grounds, but over the buildings situated within the grounds of which they take charge. I understand that in Central park alone there are buildings used for park purposes, for housing animals and curiosities, for restaurants and similar purposes, the control of which is an absolute necessity to the proper government and regulation of the park. The department of public works has no other jurisdiction or control over the parks or any part of them, and the regulation of these park buildings is entirely foreign to the purposes of its organization. There are, besides these, subject to the sweeping transfer of the bill, certain buildings erected by the city and intended as an art gallery and a museum in Central park and in Manhattan square. The statute providing for the erection of these buildings vests in the trustees of collections designed to be placed therein, the care and control of the buildings. This bill places these buildings also under the control of the commissioner of public works, and the effect of the transfer will probably be to deprive the city of the benefit of the collections intended to be placed there.

Again, the twelfth section provides that the board of street opening and improvements shall, in addition to their present powers, have exclusive power to acquire title to any of the streets, roads, avenues and public places in said city.

This section, if enacted, will at once become the basis of countless

litigations. Its strict language authorizes the board to acquire from the city the title to existing streets only; it gives no power to acquire title to land required for streets, nor any grant of the powers necessary to the exercise of such authority. As I understand existing statutes, the present powers of this board enable them to acquire land for the purposes mentioned south of Fifty-ninth street, but they have no such power above Fifty-ninth street, and this bill gives them none, for it must be remembered that a statute conferring any such power is in derogation of private right, and would receive a strict construction from any court. The attempt, under this crude and general section, to acquire necessary lands for street purposes would, undoubtedly result in complicated litigations, with a strong probability that the city would be ultimately unsuccessful.

Another very serious defect appears upon comparison of the tenth section with the first subdivision of the fourteenth section. The former provides that the department of public parks shall have charge of "the sidewalks immediately adjoining any of said public parks, squares and places." This clearly restricts the jurisdiction of that department to the sidewalk immediately bordering on any given park or square. The latter provision declares that the department of public works shall have charge of "the streets, roads, avenues and places of the city, not including any of such works within any park or place, or in or on the sidewalks of any street, road or avenue immediately adjoining any park or place." This excludes from the control of the public works department both sidewalks of every street bordering on a public park or place. The tenth section having given the department of parks control of only the sidewalk adjacent to the public square, it is clear that one sidewalk on every street contiguous to any public square is utterly beyond the jurisdiction of anybody.

One of the gravest objections to the bill is its attempt to transfer the control of the department of docks to a bureau in the department of public works. There is no greater or more important interest connected with the commerce of the city with all parts of the world, than its immense line of docks, wharves and slips extending already a distance of about fifteen miles around the city, and destined to extend much further. The proper management of this immense line is of the utmost importance to the commercial interests of the city; it lies at the very entrance of the great commercial operations of the metropolis. There is no department requiring a more honest and able administration. I am informed that there is no complaint of the faithful and efficient manner in which the affairs of that department are conducted by the present commission, and yet the bill proposes to abolish the commission, and to transfer all its powers and duties to a subordinate officer to be appointed by the commissioner of public works, and to be called an "engineer of docks." The impropriety of such a change must be apparent to every one. In all the discussion which has taken place before me, no one has attempted to defend this portion of the bill. It is moreover alleged to be in violation of the Constitution. Section 2 of article 10 of the Constitution provides that all city officers whose election or appointment is not provided for by the Constitution shall be elected by the electors of the city, or appointed by such authorities thereof as the Legislature shall designate for that purpose. This bill delegates extensive governmental powers affecting private property, not to any city officers elected by the people or appointed by any designated city authority, but by a

bureau, whose chief officer is called the engineer of docks. No specific duties and no defined powers are devolved either on the bureau or its head, although by implication the whole governmental power now existing on the subject is sought to be given to an inferior officer of a department of the city government. If he has this power he is a city officer, and constitutionally should be elected or appointed as above; if he has not this power, the control of this vast interest is nowhere and is not committed to anybody.

Another expensive change proposed by this bill is, that in the event of its becoming a law the department of public works, which is compelled to do its work upon contract furnished on sealed bids, would be unable to receive or use the services of prisoners and paupers in the erection of buildings necessary for the purposes of the department of charities and correction. Such buildings, during the last few years, have been erected at a merely nominal cost to the city, by utilizing such labor.

This bill, if enacted, would compel the treasury to pay for outside labor upon such erection, while the classes named would be supported from the same treasury in idleness.

Section twenty provides that the head of the department of public charities and correction in said city shall, hereafter be two officers, called the commissioners of public charities and correction. The commissioner who was president of said department on the 1st day of March, 1877, and the other having the shortest term to serve, shall be the commissioners. The third commissioner now existing is legislated out of office.

Section twenty-one of the bill provides that the fire department of the city shall hereafter have for its head a commissioner to be known as fire commissioner of the city of New York, that the commissioner who was president of the said department on March first last shall be the head of the department until the expiration of his present term of office, or until a vacancy occurs as now provided by law.

Section twenty-five enacts that the head of the police department shall be composed hereafter of two persons, and declares that the commissioners who were president and treasurer of said board on March first last shall continue to be such commissioners, while the office of the other commissioners shall cease after the passage of this act.

Of these three provisions it is hardly necessary to say that they are all in conflict with section 2 of article 10 of the Constitution. The officers of these three departments can constitutionally only be appointed by the electors of the city, or some city authorities designated by the Legislature for that purpose. They were elected as members of boards in which they exercised far less power than those delegated to them by this bill. The effect of these three sections is nothing more or less than a legislative election of the officers named to new positions created by this act. The same question has been substantially heard and settled by the Court of Appeals in several important cases, notably in *The People against Albertson* (55th New York, 56); *Warner against The People* (2d Denio), 272; *The People against Draper* (15th New York, 540), and numerous others.

In any event, if this bill should become a law, these changes will become fruitful sources of litigation. Besides the constitutional question, the provision as to the fire department has two glaring defects.

First. It legislates out of office two of the present commissioners, and legislates into office as sole autocrat of the department, the present presi-

dent of the commission, already under serious charges of official malfeasance, giving him absolute control of the department.

Second. It gives to the fire department the incongruous duty of supervising buildings, now devolving upon the commissioner of buildings, when their duty, above all others, needs to be confined to the special object for which they are organized, to wit: the extinguishment of fires.

Section twenty-nine of this bill declares that the counsel for the corporation shall, in virtue of his office, be public administrator of the city of New York. This section is plainly unconstitutional. The public administrator has been a city officer of New York since 1815, and in all that long period very few changes in his powers and duties have been made. The office is within the meaning of the constitutional provision above cited, and to make the corporation counsel public administrator is simply to legislate an individual into an office.

It is needless to go further into the details of this bill. Almost every section of it is defective, abounding with inconsistencies and crude or unconstitutional provisions. Claimed to be in the interest of economy, it is very evident that its imperfections are likely to cause much more loss than gain in that direction.

I abstain from any discussion of the subject of a spring election. There are wide differences of opinion between good men upon that question. It must be borne in mind that the experiment was tried for many years, but it was abandoned under the general belief that its advantages were not sufficient to justify the unavoidable expense, excitement and labor attending it. More recently a December election was tried for a short time and then abandoned for the same reasons.

The great need of the city is a charter framed upon sound and comprehensive principles for the protection of the rights and interests of the people, without regard to office holders, office seekers or schemes of personal profit. When such a charter shall be adopted, shall restore to the people of the city the right of self-government without legislative interference in its local affairs, shall sweep away the huge mass of partial and corrupt legislation under which the city has been buried, shall provide for the funding of the immense debt at a moderate rate of interest, and forbid the creation of any more, we may expect a brighter and better day for the city. Until then all such crude and imperfect acts as the one herewith returned will only add to the confusion and uncertainty which now prevails.

L. ROBINSON.

Mr. Morrissey moved that said message be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly sent for concurrence the bills entitled as follows:

"An act to provide for the payment of the award made by the board of audit created under chapter 212 of the Laws of 1877," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to authorize the board of water commissioners of the village of Middletown to grant permits for the taking of ice from Monhagen reservoir," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of villages.

"An act to authorize the town of Moers, in the county of Clinton, to borrow money and issue bonds therefor for the purpose of relieving the

poor of said town from suffering caused by the late conflagration in said town, and to levy and collect a tax for the payment of the same," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Tobey, and by unanimous consent, the rules were suspended, and said bill ordered to a third reading.

Said bill being announced for a third reading,

On motion of Mr. Tobey, and by unanimous consent, said bill was amended as follows :

Add at the end of the first section the following: "And said bonds shall not be negotiated at less than their par value, and the proceeds thereof shall be paid over to the overseers of the poor for the use of the poor of said town."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Jacobs	Morrissey	Sprague
Bixby	Kennaday	Prince	Starbuck
Bradley	Lamont	Robertson	Tobey
Carpenter	Loomis	Sayre	Wagner
Cole	McCarthy	Schoonmaker	Wagstaff
Doolittle	Moore	Selkreg	Woodin
Hammond			

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly sent for concurrence a resolution in the words following :

*Resolved* (if the Senate concur), That a respectful message be sent to his Excellency the Governor requesting him to return to this House Assembly bill (not printed) entitled "An act to further amend the charter of the city of Rochester."

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly sent for concurrence a resolution in the words following :

*Resolved* (if the Senate concur), That a respectful message be sent to his Excellency the Governor requesting the return of Assembly bill No. 386, entitled "An act to repeal section 51 of chapter 505 of the Laws of 1873, entitled 'An act to reorganize the village of Gloversville,'" for amendment.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

By unanimous consent, Mr. Kennaday introduced a bill entitled "An act to repeal chapter 556 of the Laws of 1871, entitled 'An act relating to Queens County Railway Company, and to repeal the first section of



chapter 633 of the Laws of 1872, entitled 'An act relating to the Queens County Railway Company,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Tobey, from the committee on insurance, to which was referred the bill entitled "An act to change the time for electing directors of the Hanover Fire Insurance Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate then resumed the third reading of the bill entitled "An act to organize the Senate districts and for the apportionment of Members of Assembly of this State."

Mr. Sayre moved that said bill be recommitted to the special committee on apportionment with instructions to amend as follows: Strike out the county of Lewis from the twentieth district.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Baaden	Jacobs	Moore	Starbuck
Doolittle	Lamont	Sayre	Tobey
Emerson	Loomis		

10

FOR THE NEGATIVE.

Bixby	Hammond	Prince	Sprague
Bradley	Kennaday	Robertson	Vedder
Cole	McCarthy	Schoonmaker	Wagner
Gerard	Morrissey	Selkreg	Woodin

16

Mr. Moore moved that said bill be recommitted to the said committee with instructions to amend as follows:

18. The eighteenth Senate district shall consist of the counties of Saratoga, Schenectady, Montgomery and Herkimer.

19. The nineteenth Senate district shall consist of the counties of Essex, Clinton, Warren, Fulton and Hamilton.

20. The twentieth Senate district shall consist of the counties of St. Lawrence, Franklin and Lewis.

21. The twenty-first Senate district shall consist of the county of Oneida.

22. The twenty-second Senate district shall consist of the counties of Oswego and Jefferson.

23. The twenty-third Senate district shall consist of the counties of Madison, Otsego and Delaware.

24. The twenty-fourth Senate district shall consist of the county of Onondaga.

25. The twenty-fifth Senate district shall consist of the counties of Chenango, Broome and Tioga.

26. The twenty-sixth Senate district shall consist of the counties of Cayuga, Tompkins, Schuyler and Cortland.

27. The twenty-seventh Senate district shall consist of the counties of Wayne, Ontario, Seneca and Yates.

28. The twenty-eighth Senate district shall consist of the county of Monroe.

29. The twenty-ninth Senate district shall consist of the counties of Allegany, Steuben and Chemung.

30. The thirtieth Senate district shall consist of the counties of Niagara, Orleans, Genesee and Livingston.

31. The thirty-first Senate district shall consist of the county of Erie.

32. The thirty-second Senate district shall consist of the counties of Chautauqua, Cattaraugus and Wyoming.

Mr. Cole moved to amend by striking out the word "Livingston," in the thirtieth district, and inserting the word "Wyoming."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question upon the motion of Mr. Moore, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Lamont	Sayre	Selkreg	Tobey	
Moore				5

FOR THE NEGATIVE.

Baaden	Kennaday	Prince	Starbuck	
Cole	Loomis	Robertson	Vedder	
Gerard	McCarthy	Schoonmaker	Wagner	
Hammond	Morrissey	Sprague	Woodin	16

Mr. Starbuck moved that said bill be recommitted to said committee with instructions to amend as follows:

Strike out lines 82 to 93, printed bill, inclusive, and insert in lieu thereof as follows:

18. The eighteenth Senate district shall consist of the counties of Saratoga, Fulton, Hamilton, Warren and Essex.

19. The nineteenth Senate district shall consist of the counties of Clinton, Franklin and St. Lawrence.

20. The twentieth Senate district shall consist of the counties of Jefferson, Lewis and Herkimer.

21. The twenty-first Senate district shall consist of the counties of Montgomery, Schenectady, Schoharie and Otsego.

22. The twenty-second Senate district shall consist of the county of Oneida.

23. The twenty-third Senate district shall consist of the counties of Oswego and Madison.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bradley	Jacobs	Loomis	Schoonmaker	
Gerard	Kennaday	Morrissey	Starbuck	
Hammond	Lamont	Sayre		11

FOR THE NEGATIVE.

Baaden	Emerson	Prince	Tobey	
Carpenter	Harris	Robertson	Vedder	
Cole	McCarthy	Selkreg	Wagner	
Doolittle	Moore	Sprague	Woodin	16

Mr. Bradley moved that said bill be recommitted to said committee with instructions to amend as follows:

In twenty-eighth district strike out the words "Allegany" and "Yates" and insert the words "Chemung" and "Schuyler."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Birby	Hammond	Lamont	Selkreg	
Bradley	Jacobs	Loomis	Starbuck	
Gerard	Kennaday	Schoonmaker	Wagstaff	12

## FOR THE NEGATIVE.

Baaden	Emerson	Robertson	Vedder	
Carpenter	Harris	Sayre	Wagner	
Cole	McCarthy	Sprague	Woodin	
Doolittle	Prince	Tobey		15

Mr. Cole moved that said bill be recommitted to said committee with instructions to amend as follows:

In thirtieth district strike out the word "Livingston," and insert the word "Wyoming."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Cole	Kennaday	Loomis	Starbuck	
Gerard	Lamont	Sayre		7

## FOR THE NEGATIVE.

Baaden	Hammond	Prince	Tobey	
Birby	Harris	Robertson	Vedder	
Bradley	McCarthy	Schoonmaker	Wagner	
Carpenter	Moore	Selkreg	Wagstaff	
Doolittle	Morrissey	Sprague	Woodin	
Emerson				21

Mr. Starbuck moved that said bill be recommitted to said committee with instructions to amend as follows:

Strike out lines 96 to 110, printed bill, inclusive, and insert as follows:

25. The twenty-fifth Senate district shall consist of the counties of Chenango, Broome and Tioga.

26. The twenty-sixth Senate district shall consist of the counties of Tompkins, Cayuga and Wayne.

27. The twenty-seventh Senate district shall consist of the county of Monroe.

28. The twenty-eighth Senate district shall consist of the counties of Seneca, Ontario, Yates and Livingston.

29. The twenty-ninth Senate district shall consist of the counties of Steuben, Chemung and Schuyler.

30. The thirtieth Senate district shall consist of the counties of Wyoming, Genesee, Orleans and Niagara.

31. The thirty-first Senate district shall consist of the county of Erie.

32. The thirty-second Senate district shall consist of the counties of Allegany, Cattaraugus and Chautauqua.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Birby	Hammond	Loomis	Schoonmaker	
Bradley	Kennaday	Morrissey	Starbuck?	
Gerard	Lamont	Sayre	Wagstaff	12

## FOR THE NEGATIVE.

Baaden	Emerson	Prince	Tobey	
Carpenter	Harris	Robertson	Vedder	
Cole	McCarthy	Selkreg	Wagner	
Doolittle	Moore	Sprague	Woodin	16

Mr. Selkreg moved that said bill be recommitted to said committee with instructions to amend as follows:

Strike out the word "one," in county of Broome, and insert the word "two." Strike out the word "two," in county of Niagara, and insert the word "one."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Hammond	Kennaday	Lamont	Selkreg	4
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## FOR THE NEGATIVE.

Baaden	Gerard	Prince	Vedder	
Bradley	Harris	Robertson	Wagner	
Cole	McCarthy	Schoonmaker	Wagstaff	
Doolittle	Moore	Starbuck	Woodin	
Emerson	Morrissey	Tobey		19

Mr. Gerard moved that said bill be recommitted to said committee with instructions to amend as follows:

Strike out, in county of New York, the words "twenty-five" and insert the words "twenty-six." Strike out the word "two," in county of Niagara, and insert the word "one."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Kennaday	Morrissey	Starbuck	
Gerard	Lamont	Schoonmaker	Wagstaff	
Jacobs				9

## FOR THE NEGATIVE.

Baaden	Emerson	Robertson	Tobey	
Bradley	Hammond	St. John	Vedder	
Carpenter	Harris	Sayre	Wagner	
Cole	Loomis	Selkreg	Wellman	
Coleman	Moore	Sprague	Woodin	
Doolittle	Prince			22

Mr. Wellman moved that said bill be recommitted to said committee with instructions to amend as follows:

In twenty-eight district strike out the words "Steuben" and "Yates," and insert the words "Wyoming" and "Livingston."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	St. John
Bixby	Emerson	Moore	Sprague
Carpenter	Gerard	Morrissey	Wagner
Cole	Harris	Prince	Wagstaff
Coleman	Jacobs	Robertson	Woodin

20

## FOR THE NEGATIVE.

Bradley	Lamont	Schoonmaker	Tobey
Hammond	Loomis	Selkreg	Vedder
Kennaday	Sayre	Starbuck	Wellman

12

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Robertson offered the following:

*Resolved* (if the Assembly concur), That a respectful message be sent to his Excellency the Governor to return Senate bill No. 205, entitled "An act to amend chapter 448 of the Laws of 1876, entitled 'An act relating to courts, officers of justice and civil proceedings, and to provide for the publication of the act as amended.'"

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

The Assembly returned the Assembly bill entitled "An act to secure better administration of the local government of the city of New York," with the following resolution:

*Resolved*, That the report of the committee of conference, to which was referred the matters in difference between the two houses on Assembly bill No. 254, entitled "An act to secure better administration in the local government of the city of New York," be agreed to in the following particulars:

1st. That part of said report which recommends that the Assembly concur in the following amendments to the bill as proposed in the Senate, to wit: Amendments to sections 4, 5, 6, 10, 11, 14, 16, 18, 19, 23, 29, 31, 41 and 43, as set forth in the printed report of said conference committee, being printed as Assembly bill No. 617, from lines 1 to 102 inclusive.

2d. That part of said report which recommends that the Assembly concur in the following amendments to the bill as amended in conference committee, to wit: Striking out section 24 as amended in the Senate, and inserting in lieu thereof section 24 as in said printed report set forth, from lines 40 to 110 inclusive. Amending section 23 so as to read in said report set forth, from lines 132 to 177 inclusive.

3d. That part of said report which recommends that the Senate do recede from the following amendment to the bill as proposed in the Senate, to wit: Section 35, line 14, strike out the word "such."

4th. That part of said report which recommends the adding of a new section numbered 40.

5th. That part of said report which recommends that the title of the bill be amended so as to read "An act to secure better public administration in the local government of the city of New York."

6th. That the Assembly disagree with the remainder of the report of said conference committee, and that the committee be discharged and a

new committee of conference be appointed on the matters still in difference between the two houses, and a like committee be requested on the part of the Senate.

Mr. Speaker announced as such committee on the part of the Assembly Messrs. Fish, Smith, Cowdin, Mitchell and Niven.

By order.

E. M. JOHNSON, *Clerk.*

Mr. Woodin moved that a like committee on the part of the Senate be appointed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee, Messrs. Woodin, Carpenter and Gerard.

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have appointed a committee of conference thereon.

Report of the conference committee on Assembly bill No. 381, entitled "An act to further amend chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish.'"

*To the Legislature :*

Your committee of conference, to which were referred the matter of difference between the two Houses on the above entitled bill, beg leave respectfully to make the following report, and that they have agreed to recommend that the Assembly concur in the following amendments, reference being had, in all cases to engrossed bill, viz :

Strike out of line 2, page 1, the word "eighteen."

Strike out the word "and" in line 3, and insert after the word "forty," the words "and forty-one."

On page 2, lines 1, 2, 3, 4 and 5, strike out the words "nor shall it be lawful to kill or shoot said moose or deer between an hour after sunset and an hour before sunrise, nor to hunt the same during the same time by the aid of any lantern, torch or fockle either on land or water."

And on page 2, line 8, strike out the word "hounds," and insert the word "dogs." After the word "dollar," in line 32, insert the words "except on Long Island, the time of such prohibition shall be from May first to July third."

After the word "dollars," in line 2, page 3, insert the words "except in the counties of Franklin and St. Lawrence."

And in line 9, same page, strike out the word "twentieth," and insert the word "first," and in same line, strike out the word "October," and insert the word "November."

And on page 4, line 1, after the word "notice," insert the words "has been given."

And in line 10, page 4, after the word "square," insert the words "upon every one hundred acres of land upon the lot or division line thereof."

And on page 4, strike out section 18, lines 15 to 23 inclusive; and after the word "wholly," in line 26, strike out the words "owned by an individual or corporation," and insert the word "private."

And in line 12, page 5, strike out the words "or Clyde." Change the word "rivers" to the word "river," and strike out the word "their," and insert the word "its." And same line and page, after the word

"minnows," insert the words "for bull-heads and eels." And in line 18, page 5, strike out the word "Dutchess."

And in line 20, same page, strike out the word "waters," and insert the word "lakes." And in line 21, same page, strike out the words "Ontario, Yates;" and after the word "Madison," strike out the words "nor in the inlets thereof," and insert the words "except as hereinafter provided;" and in line 23, page 5, after the word "Herkimer," insert the words "nor in the Owasco lake, in the county of Cayuga;" and in same line, strike out the words "seine and spear," and in same line, after the word "by," first occurring, insert the words "means of." And in line 25, same page, strike out the word "twenty-five," and insert the word "ten." Same line, strike out the word "offense," and insert the words "fish so killed or taken."

And in lines 23 and 24, page 7, change the paragraph so as to read as follows:

"The said act is hereby further amended by adding thereto the following sections to be known as sections 48, 49, 50, 51, 52, 53 and 54;" and on page 7, strike out lines 25 to 30 inclusive.

And line 31, same page, make section 3 section 48.

And on page 8, line 2, make section 4 section 49; and in line 13, page 8, after the word "days," insert the words "but nothing in this section shall apply to the waters of Long Island, or to any of the waters of Lake Ontario or the River St. Lawrence."

And insert, same page and section, after the words "St. Lawrence," the words "and nothing in this act contained, or in any act hereby amended relating to fishing, shall apply to so much of the waters of Cayuga lake as lies between Canoga Point down a distance of four miles toward the lower end of said lake, and extending one-half mile into said lake along such distance."

And in line 15, page 8, after the word "misdemeanor," insert the words "and punishable as such except as otherwise herein provided."

And in line 21, same page, strike out the word "which" and insert the word "the."

And in line 3, page 9, make section 6 section 51. And in line 7, change the words "to immediately" to the words "immediately to;" and change section 7 to section 52, and section 8 to section 53, and section 9 to section 54.

And amend title by striking therefrom the words "passed April 26, 1871."

And we do further agree to recommend that the Senate recede from the following amendments, viz.:

After the word "October," line 10, page 1, strike out the word "and." And after the word "November," in line 11, insert the words "and December." And in line 14, same section, after the word "December," strike out the word "and" and insert the words "and January." And in line 22, section 2, page 2, strike out the word "first" and insert the word "fifteenth."

And same section, line 25, insert after the word "daylight" the words "with the aid of any light or lantern."

In section 6, line 31, strike out the word "first" and insert the word "third," and in same line strike out the word "August" and insert the word "July."

And after the word "dollars," in line 32, page 2, strike out the words "It shall not be lawful for any person to kill or expose for sale or have

in his or her possession, after the same has been killed, any black or gray squirrel between the first day of February and the first day of August in each year, under the penalty of fifty dollars."

And after the word "person," line 7, page 3, insert the words "on Long Island."

And in line 9, page 3, strike out the word "March" and insert the word "January."

And in section 15, same page, line 36, before the word "public" insert the words "learning that." And in line 26, page 4, strike out the words "one individual or corporation" and insert the words "any proprietor or proprietors united in interest."

And in line 27, after the word "their," insert the words "by the owner or owners;" and in same line, after the word "owner," insert the words "or owners."

And in line 31, page 7, after the word "fish," insert the words "except sturgeon."

And on page 2, line 9, after the word "provided," insert the words "no person not a dealer in fish or game shall be liable to imprisonment under any of the provisions of this act for having in his possession any prohibited fish or game unless it shall be made to appear that such person knowingly or wilfully committed the act charged as a violation of any such provision. This exception from imprisonment shall not apply to persons having in their possession such prohibited articles, who shall at the same time be found with the implements of fishing or shooting in their hands."

And on page 10, strike out section 3.

ALFRED WAGSTAFF,  
S. H. HAMMOND,  
C. P. VEDDER,

*Senate Committee.*

J. S. BROWNE,  
CHAS. F. TABOR,  
THOS. G. ALVORD,  
A. B. HEPBURN,

*Assembly Committee.*

Mr. Prince moved that said report be laid upon the table and that the same be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Kennaday moved that the consideration of the special order, being the bill entitled "An act authorizing the taxation of stockholders of banks and the surplus funds of savings banks," be postponed until this evening.

Mr. Hammond moved to amend by substituting to-morrow, after reading the journal.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to said motion of Mr. Kennaday, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

By unanimous consent, Mr. Cole asked and obtained leave to introduce a bill entitled "An act to provide for a deficiency in the appropriation for the ordinary repairs of the canals for the fiscal year ending 30th September, 1877," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Cole, and by unanimous consent, the rules were suspended, and said bill was read a third time.



The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Emerson	Moore	Selkreg
Bradley	Gerard	Morrissey	Sprague
Carpenter	Jacobs	Prince	Starbuck
Cole	Kennaday	Robertson	Tobey
Coleman	Loomis	St. John	Wagner
Doolittle	McCarthy	Sayre	Wellman

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly returned the bill entitled "An act to legalize and confirm the proceedings of the common council of the city of Buffalo, in relation to certain streets," with a message informing that they had passed the same, with the following amendment :

Section 1, subdivision 2, line 3, strike out the letter "a" in termination of the word "Abbotta," and insert the letter "s," so as to read "Abbotts."

The President put the question whether the Senate would concur in said amendment, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Gerard	Prince	Tobey
Bradley	Jacobs	Robertson	Vedder
Carpenter	Kennaday	Schoonmaker	Wagner
Cole	McCarthy	Selkreg	Wagstaff
Doolittle	Moore	Sprague	Woodin
Emerson	Morrissey		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly returned the bill entitled "An act supplementary to the charter of the city of Buffalo," informing that they had passed the same, with the following amendments :

Section 1, line 5, engrossed bill, strike out the word "five," and insert the word "six."

Section 2, line 22, strike out the word "one," and insert the word "two." Line 23, strike out the word "five," and insert the word "two." Line 25, after the word "of," insert the words "two others on the first day of January," and strike out the word "another." After the word "determined," in line 29, insert the words "they shall also file with the clerk of said city their oaths of office."

Section 3, line 14, after the word "poor," insert the words "and no superintendent shall receive a salary exceeding two thousand dollars a year." At the end of section 3 insert as follows : "At the expiration of every three months said board shall report to the common council of the city of Buffalo their proceedings during said period, including a detailed statement of their receipts and expenditures, verified by the treasurer and superintendent."

At the end of section 5, insert as follows: "except that the mayor may appoint six commissioners at any time after the passage of this act and before said 1st day of June, 1877."

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

**FOR THE AFFIRMATIVE.**

Bixby	Harris	Morrissey	Tobey
Bradley	Kennaday	Prince	Vedder
Cole	Loomis	Robertson	Wagner
Coleman	McCarthy	Schoonmaker	Wagstaff
Doolittle	Moore	Selkreg	Woodin
Emerson			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to amend an act entitled 'An act to incorporate the city of Binghamton,' and the several acts amending the same," with a message informing that they had passed the same, with the following amendments:

Section 1, engrossed bill, line 60, after the word "not," insert the words "less than five hundred and not." Same section, line 61, after the word "which," strike out the word "shall," and insert the words "salary shall be fixed and determined" annually by a vote of two-thirds of all the members elected to the common council of said city."

Section 2, line 7, after the word "not," insert the words "less than five hundred dollars and not." Same section, line 9, after the word "act," strike out the balance of the section, and insert as follows: "which salary shall be fixed and determined annually by a vote of two-thirds of all the members elected to the common council of said city, and be paid him in quarterly instalments."

Amend the title so as to read, "An act to amend chapter 291 of the Laws of 1867, amended by chapter 53 of the Laws of 1870, entitled 'An act to incorporate the village of Binghamton.'"

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

**FOR THE AFFIRMATIVE.**

Bixby	Gerard	Robertson	Tobey
Bradley	Kennaday	Sayre	Vedder
Carpenter	McCarthy	Schoonmaker	Wagner
Cole	Moore	Selkreg	Wagstaff
Doolittle	Morrissey	Sprague	Woodin
Emerson	Prince		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to make further provision for the payment of further expenses of the local government of the city of New York," with a message that they have concurred in the passage of the same, with the following amendment:

Section 1, line 4, after the word "authorized," insert the words "in his discretion."

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Kennaday	Robertson	Tobey
Bradley	Lamont	Sayre	Vedder
Cole	McCarthy	Schoonmaker	Wagner
Doolittle	Moore	Selkreg	Wagstaff
Emerson	Morrissey	Sprague	Woodin
Gerard			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to provide for the construction, repair and improvement of docks, wharves, piers, slips and bulk-heads in the city of New York, and for the management and control of the same," with a message that they had concurred in the passage of the same, with the following amendments :

Section 1, strike out all after the words "are hereby abolished," in lines 3 and 4, engrossed bill, and insert in lieu thereof the following: "The head of the department of docks in said city shall hereafter be an officer called the 'commissioner of docks,' who shall be appointed by the mayor on or before the first day of January, 1878, shall hold office for a term of four years, and shall receive a salary of five thousand dollars per annum. The officers of the present commissioner of the department of public docks shall cease and determine immediately upon the appointment of such commissioner of docks, and the offices of all the officers and employes of said department shall cease and determine in ten days thereafter."

Section 2, lines 1 and 2, strike out the words "engineer of docks," and insert the word "commissioner." Same section, lines 5 and 6, strike out the words "and to the control of the commissioner of public works." Same section, line 27, strike out the words "engineer of docks" and insert the word "commissioner." Same section, line 34, after the word "corporation," insert the words "but the said commissioner shall not have power to change the exterior line of piers and bulk-heads in the city of New York as now established by law." Same section, lines 39 and 40, strike out the words "engineer of docks" and insert the word "commissioner."

Section 3, line 1, strike out the words "engineer of docks" and insert the word "commissioner." Same section, line 6, after the word "thereon," insert the words "in respect to which plans have not already been adopted." Same section, line 15, strike out the words "engineer of docks" and insert the word "commissioner." Same section, line 20, strike out the words "engineer of docks" and insert the word "commissioner." Same section, line 26, strike out the words "engineer of docks" and insert the word "commissioner." Same section, line 37, strike out the word "engineer of docks" and insert the word "commissioner."

Add at the end of section 3 the following: "Provided that the said commissioner with the consent and approval of the commissioners of the sinking fund may, from time to time, change the width and location of the piers laid down in any plan."

Section 4, lines 1 and 2, strike out the words "engineer of docks," and insert the word "commissioner." Same section, line 13, strike out the words "engineer of docks," and insert the word "commissioner." Same section, lines 15 and 16, strike out the words "engineer of docks," and insert the word "commissioner." Same section, line 38, strike out the words "engineer of docks," and insert the word "commissioner." Same section, lines 46 and 47, strike out the words "engineer of docks," and insert the word "commissioner." Same section, line 52, strike out the words "engineer of docks," and insert the word "commissioner." Same section, line 53, strike out the words "engineer of docks," and insert the word "commissioner." Same section, lines 69 and 70, strike out the words "engineer of docks," and insert the word "commissioner." Same section, line 73, strike out the words "engineer of docks," and insert the word "commissioner."

Section 5, lines 3 and 4, strike out the words "as provided in said section." Same section, line 4, strike out the words "engineer of docks," and insert the word "commissioner." Same section, line 7, after the word "plans," insert the following: "Without interfering with the property or rights of any person, except so far as may be necessary to ensure the safety and stability of the wharves, piers, bulk-heads, basins or slips so to be constructed." Same section, strike out all after the word "provided," in line 13, down to and including the words "sinking fund," in line 61; same section, line 61, strike out the words "engineer of docks," and insert the word "commissioner." Same section, lines 68 and 69, strike out the words "in conformity with the foregoing provisions of this act."

Section 6, line 5, strike out the words "engineer of docks," and insert the word "commissioner." Same section, line 19, strike out the words "engineer of docks," and insert the word "commissioner." Same section, line 29, after the word "for," insert the words "removal or." Same section, line 35, strike out the word "six," and insert the word "four." Same section, line 46, strike out the words "engineer of docks," and insert the word "commissioner."

Add at the end of section 6, the following: "Provided that said commissioner may, in his discretion, make leases containing covenants that the lessees shall keep in good order and repair at their own expense the planking, string-pieces and mooring piles of said wharves, piers and bulk-heads, reserving to said commissioner the rebuilding and renewing of the under structure thereof."

Section 7, line 1, strike out the words "engineer of docks" and insert the word "commissioner." Same section, line 5, after the word "regulation," insert the words "in addition to those now in force." Same section, lines 17 and 18, strike out the word "engineer" and insert the word "commissioner."

Section 8, line 2, strike out the words "engineer of docks" and insert the word "commissioner." Same section, line 7, strike out the words "engineer of docks" and insert the word "commissioner." Same line, after the word "for," insert the word "wharfage." Same section, line 14, strike out the words "engineer of docks" and insert the word "commissioner." Same section, lines 17 and 18, strike out the words "the comptroller of the city of New York" and insert in lieu thereof the following: "the said commissioner and shall be paid into the sinking fund for the redemption of the city debt."

Section 9, lines 1 and 2, strike out the words "engineer of docks" and insert the word "commissioner."

Section 10, line 1, strike out the words "engineers of docks" and insert the word "commissioner." Same section, line 17, after the word "all," insert the word "reasonable."

Section 11, strike out all after the word "said," in line 1, down to and including the word "shall" in line 8, and insert the words "commissioner shall." Same section, line 10, strike out the word "said" and insert the word "the." Same section, line 11, after the word "materials," insert the words "on hand and unused belonging to the department." Same section, after the word "as," insert the words "in his judgment."

Insert as section 12 the following:

§ 12. The said commissioner shall have power, subject to the approval of the commissioners of the sinking fund, to hire offices suitable and proper for the transaction of his business and to furnish the same, and to appoint and employ as many clerks and assistants as may be necessary, and shall prescribe their duties and may remove all persons so appointed and appoint others in their place."

Change number of remaining sections to correspond.

Section 13, lines 6 and 7, strike out the words "engineer of docks" and insert the word "commissioner."

Section 14, line 5, after the word "writing," insert the words "signed by the chairman or other presiding officer of said commissioners." Same section, line 10, strike out the words "and entered."

Section 16, lines 1 and 2, strike out the word "immediately" and insert the words "on the first day of January, 1878."

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Gerard	Robertson	Starbuck
Bradley	Kennaday	Sayre	Vedder
Carpenter	McCarthy	Schoonmaker	Wagner
Cole	Moore	Selkreg	Wagstaff
Doolittle	Morrissey	Sprague	Woodin
Emerson	Prince		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the resolution directing the Secretary of State to cause the result of the State census of 1875 to be printed and bound, with a message that they had concurred therein with the following amendment:

Strike out the words "payment for the same to be made from the general appropriation for printing."

The President put the question whether the Senate would concur in said amendment, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Tobey
Bixby	Gerard	Prince	Vedder
Carpenter	Harris	Robertson	Wagner
Cole	Kennaday	Schoonmaker	Wagstaff
Doolittle	McCarthy	Selkreg	Woodin

20

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in their amendment.

The bill entitled "An act repealing certain acts and parts of acts," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Sprague
Bixby	Gerard	Morrissey	Vedder
Bradley	Kennaday	Prince	Wagner
Carpenter	Loomis	Robertson	Wagstaff
Cole	McCarthy	Schoonmaker	Woodin
			20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act further to amend chapter 448 of the Laws of 1876, entitled 'An act relating to courts officers of justice and civil proceedings,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Starbuck
Bixby	Gerard	Prince	Vedder
Bradley	Harris	Robertson	Wagner
Carpenter	Kennaday	Schoonmaker	Wagstaff
Cole	Loomis	Selkreg	Woodin
Doolittle	McCarthy	Sprague	
			23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly returned the bill entitled "An act to provide for the determination and payment of claims for goods, merchandise and material furnished, and labor performed, in fitting up and furnishing armories and drill rooms in the city of New York," with a message that they had concurred in the passage of the same, with the following amendments :

Section 1, line 3, strike out the word "one," and insert the word "two."

Section 6, line 7, strike out the word "such," and insert the word "an." Make the word "amounts," in same line, "amount," and insert the words not to exceed fifty thousand dollars to be used exclusive of interest," in place of the words "as shall be necessary."

Mr. Woodin moved that said bill be recommitted to the committee on the affairs of cities.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to suspend the operation of parts of chapters 448 and 449 of the Laws of 1876, to continue in force the laws superseded thereby, and to regulate proceedings in civil actions," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a major-

ity of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Kennaday	Prince	Sprague
Bixby	Lamont	Robertson	Starbuck
Bradley	Loomis	St John	Vedder
Carpenter	Moore	Schoonmaker	Wagstaff
Doolittle	Morrissey	Selkreg	Woodin
Emerson			

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Gerard moved to take from the table the Assembly bill entitled "An act to repeal an act entitled 'An act to alter the map or plan of the city of New York by laying out thereon a parade ground, and to authorize the taking of the same,' passed April 20, 1871."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President stated the pending question to be upon the amendment proposed by Mr. Gerard to the amendment of Mr. Morrissey, as offered yesterday. (See pages 897-900.)

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to said motion of Mr. Morrissey, and it was decided in the affirmative.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the said bill, reported that the committee have made the amendments thereto as instructed, and have directed their chairman to report the same to the Senate.

Mr. Gerard moved that said bill be recommitted to said committee with instructions to strike out the enacting clause, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Kennaday	Prince	Sprague
Cole	Loomis	Robertson	Starbuck
Doolittle	McCarthy	Sayre	Vedder
Emerson	Moore	Schoonmaker	Wagner
Harris	Morrissey	Selkreg	Wagstaff
Jacobs			

21

FOR THE NEGATIVE.

Lamont	Woodin
--------	--------

2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to prevent frequent changes of text-books," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Prince	Starbuck
Bixby	Kennaday	Robertson	Tobey
Bradley	Lamont	Sayre	Vedder
Cole	Loomis	Schoonmaker	Wagner
Coleman	McCarthy	Sprague	Wagstaff
Doolittle	Moore		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to amend chapter 269 of the Laws of 1872, entitled 'An act authorizing the construction of a bridge across the Hudson river at the city of Albany, and incorporating the Albany and Greenbush Bridge Company,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Harris	Morrissey	Sprague
Bixby	Jacobs	Prince	Starbuck
Bradley	Kennaday	Robertson	Vedder
Cole	Lamont	Sayre	Wagner
Doolittle	Loomis	Schoonmaker	Wagstaff
Emerson	McCarthy		

22

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act to extend the time for the organization and commencement of business of the American Loan Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Kennaday	Prince	Sprague
Bradley	Loomis	Robertson	Starbuck
Cole	McCarthy	Sayre	Wagstaff
Doolittle	Moore	Schoonmaker	Woodin
Emerson	Morrissey	Selkreg	

19

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the election and appointment of overseer of the poor in the town of Clayton, Jefferson county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a major-



ity of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Kennaday	Prince	Starbuck	
Cole	Loomis	Robertson	Vedder	
Doolittle	McCarthy	Sayre	Wagner	
Emerson	Moore	Schoonmaker	Wagstaff	
Hammond	Morrissey	Selkreg	Woodin	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend chapter 776 of the Laws of 1870, entitled 'An act to amend an act entitled An act to provide for the incorporation of villages,'" passed December 7, 1847, and the several acts amendatory thereof, so far as the same relate to the village of Mount Vernon, in the county of Westchester, and to declare, enlarge and define the powers and duties of the officers of said village, and to confirm and extend the powers of the corporation of said village, passed May 10, 1870," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Kennaday	Prince	Starbuck	
Bixby	Lamont	Robertson	Vedder	
Bradley	Loomis	Sayre	Wagner	
Cole	McCarthy	Selkreg	Wagstaff	
Doolittle	Moore	Sprague	Woodin	
Emerson				21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The bill entitled "An act to amend chapter 326 of the Laws of 1874, entitled 'An act to provide for improvements in and adjoining the first ward of Long Island City,'" having been announced for a third reading,

Mr. Starbuck moved that said bill be recommitted to the committee on the affairs of cities with instructions to amend as follows :

After the word "therein," in line 27, insert the words "and the owner of any such lot, piece or parcel shall have paid to said treasurer before the expiration of five months after the passage of this act, or the filing of such final and corrected assessment roll, an amount equal to one-half of the assessment thereon, with accrued interest, for the improvements actually completed at the time of such payment, such amount to be determined by said commissioners."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Bradley	Hammond	Lamont	Schoonmaker
Doolittle	Kennaday	Sayre	Starbuck
Gerard			

## FOR THE NEGATIVE.

Bixby	Harris	Prince	Vedder	
Cole	Moore	Robertson	Wagner	
Emerson	Morrissey	Selkreg	Wagstaff	12

When the name of Mr. Gerard was called he asked to be excused from voting.

The President put the question whether the Senate would grant said request, and it was decided in the negative.

Mr. Gerard subsequently voted in the affirmative.

When the name of Mr. Kennaday was called he asked to be excused from voting.

The President put the question whether the Senate would grant such request, and it was decided in the negative.

Mr. Kennaday subsequently voted in the affirmative.

When the name of Mr. Woodin was called he asked to be excused from voting.

The President put the question whether the Senate would grant such request, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Prince	Vedder	
Carpenter	Harris	Robertson	Wagner	
Cole	Moore	Selkreg	Wagstaff	
Emerson	Morrissey			14

## FOR THE NEGATIVE.

Bradley	Kennaday	Sayre	Starbuck	
Doolittle	Lamont	Schoonmaker	Woodin	
Hammond				9

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act to release to Frederick W. Bell, of the city and county of Albany, the title and interest of the people of the State of New York, in the real estate of which Walter A. Bell, late of the city of Albany, died seized."

"An act to release the interest of the people of the State of New York in certain real estate to Robert McKay and Agnes Sparks, situate in Batavia, Genesee county."

"An act to amend chapter 400 of the Laws of 1872, entitled 'An act to incorporate the Oswegatchie Bridge Company.'"

"An act to release the interest of the people of the State of New York in certain real estate in the city of Utica and town of New Hartford, county of Oneida, to Mary Nock."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the concurrent resolution proposing an amendment to the Constitution to be known as article 17 thereof, with a message that they had concurred in the passage of the same.

*Ordered*, That the Clerk deliver said resolution to the Secretary of State

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to protect salmon-trout in Lake Awasting, otherwise called Long pond, and brook trout in the Beerkill, in the county of Ulster."

"An act in relation to the inspection of plank-roads and turnpike roads in the county of Madison."

"An act to provide for the revision of the laws relative to the administration of justice in the district courts of the city of New York."

"An act to authorize the town of Northfield, in the county of Richmond, to raise money to macadamize two public roads in said town and to provide for the macadamizing thereof."

"An act to amend article 3, title 3, chapter 6, part 1 of the Revised Statutes in relation to inspectors of election in cities and towns."

"An act to authorize the town of Mooers, in the county of Clinton, to borrow money and issue bonds therefor, for the purpose of relieving the poor of said town from suffering caused by the late conflagration in said town, and to levy and collect a tax for the payment of the same."

"An act to amend chapter 448 of the Laws of 1865, entitled 'An act to facilitate the construction of railroads and tram-roads within the counties of Essex and Clinton and to authorize the formation of companies therefor,' and to extend the same to the counties of Columbia and Warren."

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same, as amended:

"An act to incorporate the New York Pipe Company."

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act to provide for the payment of the award made by the board of audit created under chapter 212 of the Laws of 1877," reported in favor of the passage of the same, (Mr. Jacobs dissenting.)

On motion of Mr. Wagstaff, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act making a gratuity to the survivors of certain Shinnecock Indians who were lost upon the wreck of the steamer Circassian," reported the same for the consideration of the Senate, (Messrs. Moore and Hammond dissenting,) and said bill was committed to the committee of the whole.

Mr. Prince, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to amend chapter 214 of the Laws of 1859, entitled 'An act authorizing Jonathan Preston to establish and continue a ferry across Deering's harbor, from Greenport to Shelter Island,' passed April 9, 1859," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act further to extend the operation of the provisions of chapter 214 of the Laws of 1859, entitled 'An act authorizing Jonathan Preston to establish and continue a ferry across Deering's harbor, from Greenport to Shelter Island,' and to amend section three thereof."

On motion of Mr. Prince, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

On motion of Mr. Kennaday, the Senate took a recess until half-past seven P. M.

## HALF-PAST SEVEN, P. M.

The Senate again met.

On motion of Mr. Doolittle, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act to release to Louisa Pecott, of Oswego City, New York, formerly Louisa Daigneau, of the same place, the title and interest of the people of the State of New York in the real estate of which Joseph Daigneau, of Oswego, died seized," was ordered to a third reading.

On motion of Mr. Baaden, and by unanimous consent, the rules were suspended, and the bill entitled, "An act to amend chapter 330 of the Laws of 1865, entitled 'An act to incorporate the Butchers' Hide and Melting Association of the city of New York,'" was ordered to a third reading.

On motion of Mr. Sprague, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act to legalize the official acts of J. Henry Underhill, a justice of the peace of the town of Boston, in the county of Erie," was ordered to a third reading.

On motion of Mr. Emerson, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act to amend an act entitled 'An act for the incorporation of societies or clubs for certain lawful purposes,' passed May 12, 1875," was ordered to a third reading.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to provide for a deficiency in the appropriation for the ordinary repairs of the canals for the fiscal year ending September 30, 1877."

The Assembly returned the resolution requesting the Governor to return to the Senate the bill entitled "An act to amend chapter 448 of the Laws of 1876, entitled 'An act relating to courts, officers of justice and civil proceedings,' and to provide for the publication of the act as amended," with a message that they had concurred in the passage of the same.

*Ordered*, That the Clerk deliver said resolution to the Governor.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That a respectful message be sent to his Excellency the Governor requesting the return of Assembly bill No. 279, entitled "An act to change the bulk-head and pier lines for Newtown creek, in the port of New York," for the purpose of amending the same.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly sent for concurrence the bills entitled as follows:

"An act to amend an act entitled 'An act respecting elections other than for militia and town officers, passed April 5, 1842,' as amended by chapter 698 of the Laws of 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend section 4 of title 3, of chapter 479 of the Laws of

1867, as amended by subdivision 4 of section 1, of chapter 24 of the Laws of 1870, entitled 'An act to amend the charter of the village of Dunkirk,' which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Vedder, and by unanimous consent, said bill was substituted for Senate bill same title, not printed, now in order of third reading of bills.

"An act relating to sales of lands for non-payment of taxes in the town of Jamaica, Queens county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act for the relief of Amelia Harvard and others, grandchildren of Mary Ann Harvard, deceased," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act for the relief of William Russell, and authorizing the city of Troy to refund to said Russell certain moneys paid by him for taxes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Sprague called for the consideration of the resolution in the words following:

*Resolved* (if the Assembly concur), That the Legislature do consent to the reduction of tolls on rived hoops transported on the Erie, Champlain, Oswego and Cayuga and Seneca canals, to such an extent not exceeding fifty per cent below the rates of 1876 as the Canal Board shall, in its discretion, think expedient, and as the exigencies of trade shall demand during the ensuing season of navigation.

The President then put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly and request their concurrence therein.

Mr. Kennaday, from the committee on railroads, to which was referred the bill entitled "An act to repeal chapter 556 of the Laws of 1871, entitled 'An act relating to Queens County Railway Company, and to repeal the first section of chapter 633 of the Laws of 1872, entitled 'An act relating to Queens County Railway Company,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to provide for the care and instruction of idle and truant children in the city of Rochester," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act to amend chapter 68 of the Laws of 1871, entitled 'An act for the incorporation of private and family cemeteries,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sprague, from the majority of the committee on the judiciary, to which was referred the Assembly bill entitled "An act to create a court in the city of New York to be known as the City Court of New York, and to abolish the Marine court of said city," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The Assembly returned the Assembly bill entitled "An act to repeal an act entitled 'An act to alter the map or plan of the city of New York by laying out thereon a parade ground, and to authorize the taking of the same,' passed April 20, 1871," with a message that they do non-concur in the amendments of the Senate thereto, and request a committee of conference thereon, and have appointed a committee on their part consisting of Messrs. Mitchell, Flecke, Langbein, Purdy and Corsa.

Mr. Bixby moved that a like committee be appointed on the part of the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee Messrs. Sprague, Robertson and Gerard.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have appointed a committee of conference thereon.

The committee of conference appointed by the Senate and Assembly to which was referred the matter in difference between the two houses upon the Assembly bill entitled "An act to authorize the city of Rochester to acquire the title to land or other property for the use of water-works," having met and duly considered the same, have agreed to recommend that the Assembly do concur in the amendments of the Senate to said bill and recommend that the same be further amended by inserting after the word "authorized," in line 7, section 1, the words "by and with the consent of the common council of said city."

WM. N. EMERSON,  
C. P. VEDDER,  
J. W. GERARD,  
*Senate Committee.*

J. S. GRAHAM,  
PETER MITCHELL,  
GEO. M. CASE,  
W. L. ROCKWELL,  
*Assembly Committee.*

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Schoonmaker
Bradley	Gerard	McCarthy	Selkreg
Cole	Jacobs	Morrissey	Sprague
Coleman	Kennaday	Robertson	Wagner
Doolittle	Lamont	St. John	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference thereon.

A message was received from the Governor in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, May 18, 1877. }

*To the e, Senat :*

I return, without approval, Senate bill No. 293, entitled "An act regulating the payment of school moneys apportioned to the several counties of the State."

Chapter 567 of the Laws of 1875, provides as follows: "The money, so annually apportioned by the superintendent shall be payable on the first day of April next, after the apportionment to the treasurers of the several counties, and the chamberlain of the city of New York, and the

said treasurers and chamberlain shall apply for and receive the same as soon as payable."

Chapter 760 of the Laws of 1873, provides as follows: "And every county shall pay its quota of State taxes into the State treasury, the one-half on or before the fifteenth of April, and the other half on or before the first day of May, in each and every year hereafter."

The total apportionment of the several counties for 1877 from the school tax and school fund is \$3,043,125, and this sum is payable on April first, and is derived from taxes none of which are received before April fifteenth. I need hardly remark that this is impossible.

There seems no good reason to make the support of the schools a first lien upon the revenues, and it is not improbable that taxes may be received so slowly at times that the withholding of the entire school tax as provided by this bill, would leave the treasury bankrupt.

Out of sixty counties but five raise more by tax for the school fund than is apportioned to them. One of these, New York, raises \$1,503,983.85, and is apportioned but \$553,926.75. It contributes nearly \$1,000,000 to the support of schools in the interior of the State. This money should be in the treasury before permission is given to draw against it. I am firmly convinced that existing laws furnish as perfect a remedy as can be devised with safety in the matter, and I believe the enactment of this bill would be a dangerous innovation upon the long settled practice of the State.

L. ROBINSON.

Mr. St. John moved that said message be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A message was received from the Governor in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, May 18, 1877. }

*To the Senate:*

"I return, without approval, Senate bill No. 53, entitled "An act to amend the Revised Statutes in relation to the assessment and collection of taxes."

The object of this bill is simply to add to the section amended the words "and bonds and mortgages, notes or other securities, wherever executed, payable or situated, owned by a resident of this State." I suppose it to be true that every dollar of property subjected to assessment and taxation by the amendment proposed, is already liable to taxation under the law as it now stands. If it be necessary to recite one class of securities for personal property as especially liable to taxation, every other class of investments should be likewise particularized. The inference drawn from the special mention of bonds and mortgages in the amendment is that the present law does not authorize the State to levy taxes upon the property which that class of security represents. This is an erroneous view, and the amendment would simply be a sort of barnacle on the statute.

L. ROBINSON.

Mr. Emerson moved that said message be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. McCarthy, from the committee on literature, to which was referred the Assembly bill entitled "An act to amend chapter 555 of the Laws of 1864, entitled 'An act to revise and consolidate the general acts relating to public instruction,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. St. John, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act to authorize the Orange county asylum for the chronic insane, to receive patients or inmates from adjoining counties," was ordered to a third reading.

On motion of Mr. Moore, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act to amend section 3, article 2, title 6, chapter 6, part 1 of the Revised Statutes, in relation to the election of President and Vice-President," was ordered considered in the first committee of the whole.

A message was received from the Governor in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, {  
ALBANY, May 18, 1877. }

*To the Senate:*

In accordance with a joint resolution of the Senate and Assembly, I return herewith, for amendment, the Senate bill No. 205, entitled "An act to amend chapter 448 of the Laws of 1876, entitled 'An act relating to courts, officers of justice and civil proceedings,' and to provide for the publication of the act as amended." L. ROBINSON.

Mr. Robertson moved to reconsider the vote by which said bill was passed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Sayre	
Bixby	Gerard	Moore	Schoonmaker	
Bradley	Hammond	Morrissey	Selkreg	
Cole	Jacobs	Prince	Sprague	
Coleman	Kennaday	Robertson	Starbuck	
Doolittle	Loomis	St. John	Wagner	24

On motion of Mr. Robertson, and by unanimous consent, said bill was amended as follows:

Section 2, line 3, strike out the words "errors made in engrossing" and insert the words "text of." Lines 5, 6 and 7, strike out the words "so that the text thereof will conform to the copy furnished by them, which was acted upon by the judiciary committee of the Assembly at the last session of the Legislature; also to correct the text of that act." Lines 13, 14 and 15 strike out the words "also to change the sectional notes contained therein, under the caption of the various titles and articles, as they think proper, so as to conform them to the amendments made by this act."

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	Sayre	
Bixby	Hammond	Moore	Schoonmaker	
Bradley	Jacobs	Morrissey	Selkreg	
Cole	Kennaday	Prince	Starbuck	
Coleman	Lamont	Robertson	Wagner	
Doolittle	Loomis	St. John		23



*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein, as amended.

Mr. Bixby, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to regulate the rate of foot passengers' ferriage on the boats of the East River Ferry Company plying between East Thirty fourth street, city of New York, and Hunter's Point, Long Island City," reported adversely thereto, (Messrs. Prince and Moore dissenting.)

Mr. Prince moved to disagree with said report, and that said bill be committed to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bradley	Lamont	Robertson	Vedder
Doolittle	McCarthy	Selkreg	Wagstaff
Jacobs	Moore	Sprague	Wellman
Kennaday	Prince		

14

FOR THE NEGATIVE.

Bixby	Loomis	Sayre	Starbuck
Coleman	Morrissey	Schoonmaker	Wagner
Gerard	St. John		

10

A message from the Assembly was received and read, as follows:

IN ASSEMBLY, *May 18, 1877.*

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act to repeal section 51 of chapter 505 of the Laws of 1873, entitled 'An act to reorganize the village of Gloversville.'"

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. Fay, and by unanimous consent, the same was amended as follows: "Nothing in this act shall in any way affect any suits or legal proceedings had or commenced prior to the passage of this act," and as amended passed and ordered sent to the Senate for concurrence.

By order.

EDWARD M. JOHNSON, *Clerk.*

The President put the question whether the Senate would agree to reconsider the vote by which said bill was passed, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Selkreg
Bixby	Harris	Prince	Vedder
Bradley	Jacobs	Robertson	Wagner
Cole	Kennaday	St. John	Wagstaff
Coleman	Lamont	Sayre	Woodin
Doolittle	McCarthy	Schoonmaker	

23

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected, to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Selkreg
Bixby	Jacobs	Morrissey	Sprague

Bradley	Kennaday	Robertson	Tobey
Cole	Lamont	St. John	Vedder
Coleman	Loomis	Sayre	Wagner
Doolittle	McCarthy	Schoonmaker	Wagstaff

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, as amended.

Mr. Sprague moved to take from the table the motion to reconsider the vote by which Assembly bill entitled "An act to amend section 3 of chapter 564 of the Laws of 1875, entitled 'An act' to amend chapter 122 of the Laws of 1851, entitled An act for the incorporation of building, mutual, loan and accumulating fund associations,' passed June 9, 1875," was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof.

## FOR THE AFFIRMATIVE.

Bixby	Jacobs	Robertson	Starbuck
Bradley	Kennaday	St. John	Tobey
Cole	Lamont	Sayre	Vedder
Coleman	Loomis	Schoonmaker	Wagstaff
Emerson	Moore	Selkreg	Wellman
Gerard	Morrissey	Sprague	Woodin
Hammond			

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act in relation to the salaries, fees, percentages and allowances of the officers of the city of Brooklyn," having been announced for a third reading,

On motion of Mr. Jacobs, and by unanimous consent, said bill was amended as follows:

Strike out all after the enacting clause, and insert as follows:

SECTION 1. The common council of the city of Brooklyn is hereby authorized to fix and regulate the salaries of the various officers, clerks and subordinates of the city of Brooklyn, and of all justices of the peace and the police justice, as well those fixed, as those not fixed by law; provided that the salaries severally applicable to each head of a department, commissioner, assessor, or justice holding office for a specified term, shall not be changed during the term of office of the person at the time being the head of a department, commissioner, assessor or justice, nor during the time intervening between the general election in said city and the first day of January following.

§ 2. Until the 1st day of January, 1878, all the salaries now fixed by law, or otherwise, shall be paid as so fixed, and if the common council shall not by that time have acted under the authority provided by the first section of this act, then the annual salaries or compensation for offi-

cial services to be paid to the persons hereinafter named (subject to the restrictions contained in the first section of this act), shall be respectively as follows, until changed by the action of said common council :

To the mayor, six thousand dollars per annum.

To the comptroller, six thousand dollars per annum.

To the corporation counsel, eight thousand dollars per annum.

To the treasurer, four thousand dollars per annum.

To the auditor, three thousand five hundred dollars per annum.

To the collector of taxes and assessments, five thousand dollars per annum.

To the registrar of arears, four thousand dollars per annum.

To the president of the department of assessment, three thousand five hundred dollars per annum.

To each assessor, three thousand dollars per annum.

To the president of the board of health, four thousand dollars per annum.

To each alderman, one thousand dollars per annum.

To the president of the department of police and excise, four thousand dollars per annum.

To the commissioners of the department of police and excise, three thousand five hundred dollars each per annum.

To the president of the department of fire and buildings, four thousand dollars per annum.

To the commissioners of the department of fire and buildings, three thousand five hundred dollars each per annum.

To the president of the department of city works, four thousand dollars per annum.

To the commissioners of the department of city works, three thousand five hundred dollars each per annum.

To the president and commissioners of the department of parks, no salary.

To the superintendent of police, thirty-five hundred dollars per annum.

To the inspector of police, four thousand dollars per annum.

To the captains of police, two thousand dollars per annum.

To the sergeants of police, fifteen hundred dollars per annum.

To the patrolmen, eleven hundred dollars per annum.

To the police surgeons, one thousand two hundred and fifty dollars per annum.

To the drill captain, fifteen hundred dollars per annum.

To the doorman, eight hundred dollars per annum.

To the fire marshal, two thousand five hundred dollars per annum.

Provided that all patrolmen appointed after the passage of this act shall receive, during their first year of service, eight hundred and fifty dollars per annum, and thereafter such increase from time to time, as the common council may, upon the recommendation of the department of police and excise, determine, but at no time shall the salary so paid exceed the sum of eleven hundred dollars per annum.

§ 3. All firemen, engineers and drivers employed under the department of fire and buildings, to be appointed after the passage of this act, shall, during the first year of their service, receive each, a salary of eight hundred dollars per annum, and thereafter such increase, from time to time, as the common council may, upon the recommendation of the department of fire and buildings, determine, but at no time shall the salary so paid exceed the sum of one thousand dollars per annum.

§ 4. From and after the passage of this act the office of counsel to the board of health and the office of counsel to the department of police and excise, shall be hereby abolished, and the duties appertaining to said offices respectively, shall devolve upon the corporation counsel of the city.

§ 5. No officer or person who is paid a salary for his services from the city treasury, shall receive to or for his own use any fees, perquisites of office, commissions, percentage or moneys paid to him in his official capacity; but all fees, perquisites, commissions, percentages and moneys so paid and received by any such officer or person, shall be the property of the city, and shall be paid by him into the city treasury; and all moneys received for licenses or permits shall be paid into the treasury weekly, without deduction, by the department or officer receiving them. And every such officer or person who shall receive any fees, perquisites, commissions, percentages or other moneys which belong to the city and should be so paid into the treasury, shall, before he shall be entitled to receive or be paid his salary, make, under oath, a detailed statement and return to the comptroller, in such form as he may prescribe, showing the aggregate amount of all such moneys received by him since the last preceding statement and return, and shall produce a receipt showing the payment of such sum into the treasury. The comptroller may require any such officer or person to make such statement and return to him, if it be not made as herein provided, and examine any such officer or person under oath touching the amount of any fees, perquisites, commissions, percentages or moneys paid to or received by him in his official capacity.

§ 6. The provisions of this act shall not apply to any officers who, under the provisions of the Constitution, cannot have their fees, percentages or allowances increased or diminished during their present terms of office; but said provisions shall apply to all of those hereafter elected or appointed to perform any service within the city of Brooklyn.

§ 7. This act shall take effect immediately.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Jacobs	Prince	Tobey
Cole	Kennaday	St. John	Vedder
Coleman	Lamont	Sayre	Wagner
Doolittle	Loomis	Sprague	Wagstaff
Emerson	Morrissey	Starbuck	Wellman

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Gerard, from the special committee composed of the Senators from the city of New York, to which was referred the bill entitled "An act to provide for stability of construction and security against conflagration, panic or other accident in theatres hereafter to be erected in the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Tobey, from the committee on insurance, to which was recommended the Assembly bill entitled "An act to amend chapter 617 of the Laws of 1873, entitled 'An act regulating the deposit of securities by plate-glass insurance companies,'" reported in favor of the passage of the same, and said bill was ordered to a third reading.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows:

Assembly, "An act authorizing the taxation of stockholders of banks, and the surplus funds of savings banks."

After some time spent therein the President resumed the chair, and Mr. Loomis, from said committee, reported progress on the said named bill, and asked and obtained leave to sit again.

Mr. Jacobs moved that the further consideration of said bill be made a special order for to-morrow morning, at 11 o'clock, and that the said bill, and the amendment proposed thereto, be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The concurrent resolutions in the words following, were read a third time:

*Resolved* (if the Assembly concur), That article 9 of the Constitution be amended by the addition of the following section:

§ 2. Free common schools shall be maintained throughout the State forever. The Legislature shall provide for the instruction in the branches of elementary education in such schools of all persons in the State between the ages of six and twenty-one years, for the period of at least twenty-eight weeks in each year. The money, property or credit of the State, or of any county, city, town, village or school district, shall not be given, loaned or leased, or be otherwise applied to the support or in aid of any school or instruction under the control or in charge of any church, sect, denomination or religious society, nor to or in aid of any school in which instruction is given peculiar to any church, creed, sect or denomination, or to or in aid of any such instruction, nor to or in aid of any school or instruction not free, alike to all, and also subject to the supervision of and conformed to the regulations of the public school authorities; nor shall any tax be levied for any such purpose. This section shall not prohibit the Legislature from making such provision for the education of the blind, the deaf and dumb, and juvenile delinquents, as it may seem proper, except that such education shall not be in institutions in which instruction is given peculiar to any church, creed, sect, denomination or religious society, nor shall this section apply to or affect the Cornell University endowment fund hitherto pledged and appropriated.

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that in conformity with section 1 of article 13 of the Constitution, it be published for three months previous to the time of such election.

The President put the question upon the adoption of said resolution, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden  
Bradley

Hammond  
Lamont

St. John  
Schoonmaker

Tobey  
Wagner

Coleman	Prince	Sprague	Wagstaff	
Emerson.	Robertson	Starbuck	Woodin	
Gerard				17

## FOR THE NEGATIVE.

Cole	Jacobs	Moore	Vedder	
Doolittle	Kennaday	Sayre	Wellman	
Harris	McCarthy	Selkreg		11

*Ordered,* That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

The bill entitled "An act to provide for the better protection of passengers upon railroads, and to insure the prompt transportation and delivery of freights," having been announced for a third reading,

On motion of Mr. Sprague, and by unanimous consent, said bill was amended as follows:

Section 2, line 47, after the word "employment," insert the words "in this State."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	Sprague	
Bixby	Jacobs	Moore	Tobey	
Cole	Kennaday	Prince	Wagner	
Doolittle	Lamont	Robertson	Wagstaff	
Emerson	Loomis	St. John		19

## FOR THE NEGATIVE.

Schoonmaker	Starbuck	Vedder	Wellman	4
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*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to confirm and levy a certain assessment for excavating, filling and forming Swan street from Elm street to Morton street, in the city of Albany, and conferring upon the mayor and a majority of the common council of said city power to reduce the said assessment fifty per cent," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Harris	Morrissey	Tobey	
Bixby	Jacobs	Prince	Vedder	
Bradley	Kennaday	Robertson	Wagner	
Cole	Lamont	St. John	Wagstaff	
Coleman	Loomis	Schoonmaker	Wellman	
Doolittle	McCarthy	Selkreg	Woodin	
Emerson	Moore	Sprague		27

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend chapter 149 of the Laws of 1874, entitled 'An act to amend the act passed April 27, 1872, entitled An act to amend chapter 657 of the Laws of 1871, entitled An act to amend the act passed February 17, 1848, entitled An act to authorize the formation of corporations for manufactuaing, mining, mechanical or chemical purposes,' passed April 20, 1871;" and also to amend chapter 960 of the Laws of 1867, entitled "An act to authorize the consolidation of corporations organized under the title 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed February 17, 1848, or any of the acts amending or extending the same," having been announced for a third reading,

Mr. Prince moved that said bill be recommitted to the committee on manufactures, with instructions to amend as follows:

Section 1, strike out all after the word "chapter," in line 1, down to and including the word "eight," in line 8.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Lamont	Schoonmaker	Vedder	
Bradley	McCarthy	Selkreg	Wagner	
Doolittle	Moore	Sprague	Wagstaff	
Emerson	Morrissey	Starbuck	Wellman	
Hammond	St. John	Tobey	Woodin	20

#### FOR THE NEGATIVE.

Gerard	Harris	Prince	Robertson	4
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the city of Newburgh to borrow money and issue bonds therefor, for the payment of certain water bonds of said city heretofore issued, and to provide for the payment thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Lamont	Robertson	Starbuck
Bradley	Loomis	St. John	Tobey
Doolittle	McCarthy	Schoonmaker	Wagner
Emerson	Moore	Selkreg	Wagstaff
Gerard	Morrissey	Sprague	Woodin
Harris	Prince		

22

*Ordered*, That the Clerk return said bill to the Assembly with a message informing that the Senate have concurred in the passage of the same.

On motion of Mr. Wagstaff, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act to amend chapter 264 of the Laws of 1817, entitled 'An act to incorporate the members of the New York Institution for the Instruction of the Deaf and Dumb,' with amendments thereto," was ordered to a third reading.

On motion of Mr. Wagstaff, and by unanimous consent, said bill was recommitted to the committee on miscellaneous corporations, retaining its place in order of third reading of bills.

The Assembly bill entitled "An act to provide for the payment of bonds heretofore issued by the village of Middletown, in the county of Orange," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Bixby	Harris	Robertson	Starbuck
Bradley	Loomis	St. John	Tobey
Cole	McCarthy	Schoonmaker	Vedder
Doolittle	Moore	Selkreg	Wagstaff
Emerson	Morrissey	Sprague	Woodin
Gerard			

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 514 of the Laws of 1875, entitled 'An act to provide for the election of police justices in villages,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Bixby	McCarthy	Selkreg	Wagner
Doolittle	Moore	Sprague	Wagstaff
Emerson	Morrissey	Starbuck	Wellman
Gerard	Robertson	Vedder	Woodin
Loomis	Schoonmaker		

18

#### FOR THE NEGATIVE.

Bradley	Hammond	Harris	3
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 896 of the Laws of 1869, entitled 'An act to incorporate the Crescent Company,' passed May 17, 1869, and to extend the time within which the corporation thereby created may commence its operation," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :



## FOR THE AFFIRMATIVE.

Bixby	Harris	Robertson	Starbuck
Bradley	Loomis	St. John	Wagner
Cole	McCarthy	Sayre	Wagstaff
Doolittle	Moore	Selkreg	Wellman
Emerson	Morrissey	Sprague	Woodin
Gerard	Prince		

22

## FOR THE NEGATIVE.

Schoonmaker

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend an act entitled 'An act to change the time of payment of certain railroad bonds of the town of Plattsburgh, executed in aid of the New York and Canada Railroad Company, and to issue other bonds in the place thereof,' passed May 13, 1876," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Harris	Prince	Selkreg
Cole	Loomis	Robertson	Tobey
Doolittle	McCarthy	St. John	Vedder
Emerson	Moore	Sayre	Wagner
Gerard	Morrissey		

18

## FOR THE NEGATIVE.

Schoonmaker      Starbuck

2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

By unanimous consent Mr. Harris introduced a bill entitled "An act making appropriations for the erection of the new capitol and the Buffalo State Asylum for the Insane," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

The Assembly bill entitled "An act to amend section 7, chapter 5 of part 1, title 5 of the Revised Statutes, in relation to the appointment of collectors of canal tolls," having been announced for a third reading,

Mr. Bradley moved that said bill be recommitted to the committee on canals, with instructions to amend as follows: Insert after the word "Boonville," the word "Corning."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Lamont	Robertson	Starbuck
Cole	Loomis	St. John	Vedder
Doolittle	McCarthy	Schoonmaker	Wagner
Emerson	Moore	Selkreg	Wellman
Gerard	Prince	Sprague	Woodin
Harris			

21

## FOR THE NEGATIVE.

Bradley

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend section 1 of chapter 398 of the Laws of 1866, entitled 'An act to facilitate the construction of the New York and Oswego Midland railroad, and to authorize towns to subscribe to the capital stock thereof,' and to repeal chapter 143 of the Laws of 1846," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Prince	Sprague
Bradley	Hammond	Robertson	Starbuck
Cole	Loomis	St. John	Vedder
Doolittle	McCarthy	Schoonmaker	Wagner
Emerson	Moore	Selkreg	Wagstaff

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to empower the board of supervisors of Suffolk county to appoint three commissioners to locate an inlet from the Atlantic ocean to the Shinnecock bay in said county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Robertson	Starbuck
Bradley	Harris	St. John	Vedder
Cole	Loomis	Schoonmaker	Wagner
Doolittle	McCarthy	Selkreg	Wagstaff
Emerson	Prince	Sprague	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act further to amend chapter 857 of the Laws of 1873, entitled 'An act in relation to the keeping open of

certain public offices in the county of Kings,' and to extend the provisions of said act to the city of Brooklyn, to Long Island City and the counties of Queens and Suffolk," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a quorum not being present, as follows :

**FOR THE AFFIRMATIVE.**

Bixby	Emerson	Robertson	Vedder	
Bradley	Gerard	St. John	Wagstaff	
Doolittle	Loomis	Selkreg		11

**FOR THE NEGATIVE.**

Harris	Moore	Schoonmaker	Starbuck	4
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On motion of Mr. Woodin, the Senate adjourned.

**SATURDAY, MAY 19, 1877.**

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

On motion of Mr. Selkreg, the reading of the journal of yesterday was dispensed with.

The Assembly sent for concurrence the bills entitled as follows :

"An act further to amend chapter 12 of the Laws of 1872, entitled An act prescribing the officers and employes that may be elected, appointed or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees and providing for the payment of the expenses thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to amend chapter 477 of the Laws of 1875, entitled 'An act to amend an act entitled An act to provide a further supply of pure and wholesome water for the city of New York,' passed February 27, 1871, and also an act to re-enact and amend the same, passed April 6, 1871; also, to extend the distribution of Croton water through the city of New York, including the two new wards, and to lay the necessary mains therefor, and to deliver it at higher elevation, passed May 28, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of cities.

"An act to amend chapter 379 of the Laws of 1848, entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Assembly returned the following entitled Assembly bill, with a message that they had agreed to the report of the committee of conference thereon :

"An act to provide for perfecting and perpetuating the right and title of the city of New York to property, water, water-rights and privileges heretofore taken or used, or which may be hereafter taken or used by

said city to increase the supply of pure and wholesome water for the use of said city, and to provide for the payment and extinguishment of all claims or damages growing out of such taking or using."

*Ordered*, That the Clerk return said bill to the Assembly.

The Assembly returned the following entitled Assembly bills, with a message that they had concurred in the amendments of the Senate thereto, respectively:

"An act to legalize and confirm the official acts of J. Marshall Guion, a justice of the peace of the town of Seneca Falls, in the county of Seneca."

"An act to amend an act entitled 'An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors,' passed June 5, 1875."

"An act to amend an act to revise the charter of the city of Buffalo, passed April 20, 1870."

"An act to release to Marian Carr and Adella E. Perry, the daughters and only heirs-at-law of Miles Perry, the title and interest of the people of the State of New York in certain real estate in the town of Riga and county of Monroe."

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the bills entitled as follows:

"An act to amend an act entitled 'An act to incorporate the city of Binghamton,' and the several acts amending the same."

"An act to legalize and confirm the proceedings of the common council of the city of Buffalo, in relation to certain streets."

"An act to make further provision for the payment of further expenses of the local government of the city of New York."

"An act to amend chapter 571 of the Laws of 1866, entitled 'An act to incorporate the Brooklyn Trust Company.'"

"An act supplementary to the charter of the city of Buffalo."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly bill entitled "An act to authorize the Orange county asylum for the chronic insane, to receive patients or inmates from adjoining counties," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bradley	Hammond	McCarthy	Selkreg
Carpenter	Harris	Morrissey	Sprague
Cole	Jacobs	Robertson	Starbuck
Coleman	Kennaday	St. John	Wagner
Doolittle	Loomis	Sayre	Wagstaff
Emerson			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Wagstaff moved to take from the table the report of the committee of conference upon the bill entitled "An act to further amend chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish.'"

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said report, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Baaden	Hammond	Loomis	Sayre
Carpenter	Harris	McCarthy	Starbuck
Coleman	Jacobs	Morrissey	Wagner
Doolittle	Kennaday	Robertson	Wagstaff
Emerson	Lamont	St. John	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference thereon.

The Assembly bill entitled "An act to amend section 4 of title 3 of chapter 479 of the Laws of 1867, as amended by sub-division 4 of section 1 of chapter 24 of the Laws of 1870, entitled 'An act to amend the charter of the village of Dunkirk,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Hammond	McCarthy	Starbuck
Bradley	Harris	Morrissey	Tobey
Cole	Jacobs	Robertson	Wagner
Coleman	Kennaday	Sayre	Wagstaff
Doolittle	Lamont	Selkreg	Woodin
Emerson	Loomis		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to validate and confirm the title to certain real estate in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bradley	Hammond	Loomis	Sprague
Cole	Harris	McCarthy	Starbuck
Coleman	Jacobs	Sayre	Tobey
Doolittle	Kennaday	Schoonmaker	Wagner
Gerard	Lamont	Selkreg	Wagstaff

20

FOR THE NEGATIVE.

Prince

1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act further to amend chapter 857 of the Laws of 1873, entitled 'An act in relation to keeping open of certain

public offices in the county of Kings, and to extend the provisions of said act to the city of Brooklyn, to Long Island City, and counties of Queens and Suffolk," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Coleman	Kennaday	Morrissey	
Cole	Jacobs			6

## FOR THE NEGATIVE.

Doolittle	McCarthy	Schoonmaker	Tobey	
Hammond	Robertson	Selkreg	Wagner	
Harris	St. John	Sprague	Wagstaff	
Lamont	Sayre	Starbuck		15

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the passage of the same.

The Assembly bill entitled "An act to repeal section 2 of chapter 487 of the Laws of 1875, entitled 'An act to alter the commissioners' map of the city of Brooklyn, and for other purposes,' passed June 5, 1875," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	Schoonmaker	
Bixby	Hammond	Morrissey	Starbuck	
Bradley	Harris	Robertson	Tobey	
Coleman	Jacobs	St. John	Wagner	
Doolittle	Kennaday	Sayre	Wagstaff	
Emerson	Lamont			22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to confer the powers of harbor master on the police patrolmen detailed to certain docks and piers in said city by the board of commissioners of police and excise of the city Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Lamont	Sprague	
Bradley	Hammond	Robertson	Starbuck	
Coleman	Harris	St. John	Tobey	
Doolittle	Jacobs	Sayre	Wagner	
Emerson	Kennaday	Selkreg	Wagstaff	20

## FOR THE NEGATIVE.

Morrissey

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 628 of the Laws of 1857, entitled 'An act to suppress intemperance, and to regulate the sale of intoxicating liquors,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Emerson	Robertson	Sprague
Bixby	Gerard	St. John	Starbuck
Bradley	Hammond	Sayre	Vedder
Cole	Harris	Schoonmaker	Wagner
Coleman	McCarthy	Selkreg	Wagstaff
Doolittle	Prince		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to legalize and confirm the titles of Edwin Carr and Maurice Nelan, to certain lands situate in Bethany, Genesee county, New York, which were heretofore conveyed to them by the superintendents of the poor of said county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate, voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Harris	Prince	Sprague
Bradley	Jacobs	Robertson	Starbuck
Cole	Kennaday	St. John	Tobey
Coleman	Lamont	Sayre	Vedder
Doolittle	McCarthy	Schoonmaker	Wagner
Emerson	Morrissey	Selkreg	Wagstaff
Gerard			

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act relative to the bonded indebtedness of cities, villages, towns and counties," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Robertson	Tobey
Bradley	Harris	St. John	Vedder
Cole	Jacobs	Sayre	Wagner
Coleman	Kennaday	Schoonmaker	Wagstaff

Doolittle  
EmersonLamont  
McCarthy

Selkreg

Woodin

22

## FOR THE NEGATIVE.

Prince

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to provide for the payment of the award made by the board of audit created under chapter 212 of the Laws of 1877," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden

Gerard

Morrissey

Selkreg

Bixby

Hammond

Prince

Sprague

Bradley

Harris

Robertson

Starbuck

Cole

Kennaday

St. John

Vedder

Coleman

Lamont

Sayre

Wagner

Doolittle

McCarthy

Schoonmaker

Wagstaff

Emerson

25

## FOR THE NEGATIVE.

Jacobs

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Selkreg, from the committee on railroads, to which was recommended the bill entitled "An act supplemental to chapter 140 of the Laws of 1850, entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,'" reported the same with amendments thereto.

Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act making appropriation for the erection of the new capitol and the State asylum for the insane," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act making appropriations for the erection of the new capitol," and said bill was committed to the committee of the whole.

Mr. Woodin moved that said bill be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to authorize the board of water commissioners of the village of Middletown to grant permits for the taking of ice from Monhagen reservoir," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:



"An act to amend chapter 330 of the Laws of 1865, entitled 'An act to incorporate the Butchers' Hide and Melting Association of the city of New York.'"

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act respecting elections other than for militia and town officers,' passed April 5, 1842, as amended by chapter 698 of the Laws of 1872," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of Amelia Haward and others, grand-children of Mary Ann Haward, deceased," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hammond moved that the consideration of the special order for this morning being the Assembly bill entitled "An act authorizing the taxation of stockholders of banks and the surplus funds of savings banks," be postponed until Tuesday morning next.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Robertson moved to reconsider the vote by which said motion was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Prince moved to amend the motion by striking out the words "Tuesday next," and inserting the words "twelve o'clock to-day."

Pending which,

Mr. Jacobs moved to lay the subject under consideration upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to confirm, reduce and levy a certain assessment for improving part of Union street, in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Jacobs	Prince	Tobey
Bixby	Kennaday	Robertson	Vedder
Cole	Lamont	Schoonmaker	Wagner
Coleman	Loomis	Selkreg	Wagstaff
Doolittle	McCarthy	Sprague	Wellman
Harris			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to amend chapter 330 of the Laws of 1865, entitled 'An act to incorporate the Butchers' Hide and Melting Association of the city of New York,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a

majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Loomis	Selkreg
Bixby	Harris	Morrissey	Sprague
Bradley	Jacobs	Prince	Vedder
Carpenter	Kennaday	Robertson	Wagner
Coleman	Lamont	Schoonmaker	Wellman
Doolittle			

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act relating to the collection of taxes in the town of Plattsburgh, in the county of Clinton," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE NEGATIVE.

Baaden	Doolittle	Loomis	Sprague
Bixby	Gerard	McCarthy	Starbuck
Bradley	Harris	Robertson	Vedder
Carpenter	Jacobs	St. John	Wagner
Cole	Kennaday	Sayre	Wagstaff
Coleman	Lamont	Selkreg	

23

*Ordered*, That the Clerk return said bill to the Assembly with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to legalize and confirm the action of Ansel F. Conger, Jonathan W. Potter and Leander Stafford, assessors of Gowanda union free school district," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Loomis	Schoonmaker
Bradley	Harris	Morrissey	Selkreg
Carpenter	Jacobs	Robertson	Vedder
Cole	Kennaday	St. John	Wagner
Doolittle	Lamont	Sayre	Wellman

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act to amend chapter 139 of the Laws of 1870, entitled 'An act to annex parts of the towns of Bethlehem and Watervliet, in the county of Albany, to the city of Albany, and to exempt such parts thereof from certain taxes, and to annex a part of the

city of Albany to the town of Watervliet,' passed April 6, 1870, was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Harris	McCarthy	Selkreg
Bradley	Jacobs	Morrissey	Starbuck
Carpenter	Kennaday	Robertson	Tobey
Coleman	Lamont	St. John	Vedder
Doolittle	Loomis	Schoonmaker	Wellman
			20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 214 of the Laws of 1859, entitled 'An act authorizing Jonathan Preston to establish and continue a ferry across Deering's harbor, from Greenport to Shelter Island,' passed April 9, 1859," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	Lamont	Selkreg
Bradley	Hammond	Prince	Sprague
Carpenter	Harris	Robertson	Starbuck
Cole	Jacobs	St. John	Tobey
Doolittle	Kennaday	Schoonmaker	Wagner
			20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act in relation to the insurance of plate glass," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Hammond	St. John	Tobey
Carpenter	Lamont	Schoonmaker	Vedder
Cole	Loomis	Selkreg	Wagner
Doolittle	Prince	Sprague	Wagstaff
Gerard	Robertson	Starbuck	Wellman
			20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to release to Louisa Pecott, of Oswego City, New York, formerly Louisa Daigneau, of the same place, the title and interest of the people of the State of New York in the real estate of which Joseph Daigneau, of Oswego, died possessed," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Sprague
Bixby	Harris	Prince	Starbuck
Carpenter	Jacobs	Robertson	Tobey
Cole	Kennaday	St. John	Vedder
Coleman	Lamont	Sayre	Wagner
Doolittle	Loomis	Selkreg	Wellman
Emerson			

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to legalize the official acts and proceedings of J. Henry Underhill, a justice of the peace of the town of Boston, in the county of Erie," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Prince	Starbuck
Carpenter	Harris	Robertson	Vedder
Cole	Jacobs	St. John	Wagner
Doolittle	Kennaday	Selkreg	Wagstaff
Emerson	Lamont	Sprague	Wellman
Gerard	Loomis		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Sprague, from the committee on miscellaneous corporations, to which was recommitteed the bill entitled "An act to amend chapter 264 of the Laws of 1867, entitled 'An act to incorporate the members of the New York Institution for the Instruction of the Deaf and Dumb,' with amendments thereto," reported in favor of the passage of the same, and said bill was ordered to a third reading.

The Assembly bill entitled "An act to amend an act entitled 'An act for the incorporation of societies or clubs for certain lawful purposes,' passed May 12, 1875," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Hammond	McCarthy	Tobey
Bixby	Harris	Sayre	Vedder
Doolittle	Jacobs	Selkreg	Wellman
Emerson	Kennaday	Sprague	Woodin
Gerard	Lamont		

18

## FOR THE NEGATIVE.

Carpenter	Prince	St. John	Starbuck
Cole	Robertson	Schoonmaker	Wagner
Coleman			

9

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend chapter 264 of the Laws of 1817, entitled 'An act to incorporate the members of the New York Institution for the Instruction of the Deaf and Dumb,' with amendments thereto," having been announced for a third reading,

On motion of Mr. Sayre, and by unanimous consent, said bill was amended as follows:

Insert in section 3, line 6, after the word "within," the words "one hundred miles of the city of New York."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Jacobs	Robertson	Starbuck	
Carpenter	Kennaday	St John	Tobey	
Coleman	Lamont	Sayre	Vedder	
Gerard	Morrissey	Schoonmaker	Wagstaff	
Hammond	Prince	Sprague	Wellman	20

FOR THE NEGATIVE.

Bradley	Doolittle	McCarthy	Wagner	
Cole	Harris	Selkreg		7

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

Mr. Jacobs moved to take from the table the matter in relation to the disposition of the Assembly bill entitled "An act authorizing the taxation of stockholders of banks and the surplus funds of savings banks."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Jacobs moved that the consideration of the same be made a special order for Tuesday next, at eleven o'clock, and that the ninth joint rule be suspended on that day for the purpose.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Assembly returned the bill entitled "An act to amend chapter 628 of the Laws of 1874, entitled 'An act to amend an act entitled 'An act for the incorporation of villages,' passed April 20, 1870,' with a message informing that they had passed the same, with the following amendments:

Section 1, lines 17, 18 and 19, strike out the words "after the ninth day of June, eighteen hundred and seventy-four," and insert in lieu thereof the following: And said section ninety is hereby amended so as to read as follows:

§ 90. Whenever an application in writing, signed by as many persons entitled to vote for village officers as shall be equal at least to one-fourth of the number of votes cast at the next preceding election for village officers, in any village, shall be made to the trustees of such village, requesting a vote of the electors thereof upon a question of disincorpor-

ration, the trustees shall include in their notice of the next annual meeting for election that such an application has been duly made, and that a vote will be taken upon said question of disincorporation on the ensuing day of election. A separate box shall be provided for the reception of votes upon said question, and the ballots in reference to the same shall have thereon, printed or written, "Shall this village be disincorporated?" "Yes," or "No," as the votes shall be affirmative or negative. The canvass of the votes shall be made by the trustees, and the result publicly declared, and also contained in the certificate of election to be filed by said trustees. If a majority of all the votes cast upon said question shall be in the affirmative, the said trustees shall cause to be published a duplicate of said certificate, in one of the public newspapers in said village, for at least once in each week consecutively, for for six weeks; and if there be no such newspaper published in the village, then in one of the county papers; and if none, then in a newspaper published nearest to said village within the State. At the next annual election thereafter the trustees shall give like notice of the pending question to be submitted for the second time, and shall, at said election, take the votes of the electors *viva voce*, upon said question of disincorporation, and the poll list shall contain a record of the name of such voter voting upon the question; and the vote "yes," or "no," of such voter. At the close of the polls the said trustees shall canvass the votes and declare the result, upon count; and if a majority thereof shall be ascertained to be in the affirmative, then the trustees shall proceed to determine, by comparison of the poll list with the last assessment roll of said village, what the relative vote to be of the tax-payers whose names are found on such assessment roll, and who have paid their taxes. If a majority of such tax-payers shall be found to have voted in the affirmative upon said question of disincorporation, the said village corporation shall be annulled, and the disincorporation shall take affect one year from the date of such second election. At the expiration of six months after such second election disincorporating said village, and before the expiration, the trustees shall call a meeting of the electors being tax-payers of said village to direct what disposition shall be made of the property of said village, and at such meeting such electors may direct what disposition shall be made of such property, subject to all claims or indebtedness against the said village. At the expiration of one year from said second election, all the records, books and papers belonging to said village shall be deposited with the town clerk of the town in which the same shall be located, or if located in more than one town, then with the town clerk of one of such towns, whose duty it shall be to preserve the same with the town records and papers of his town, and the supervisor of such town, or if such village was located in more than one town, the supervisors of such towns shall be the trustee or trustees of the property of such village. No suit in which such village shall be a party, nor any claim for or against such village shall be affected by its ceasing to be an incorporated village.

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby  
Bradley

Emerson  
Harris

McCarthy  
Prince

Sprague  
Starbuck

Carpenter	Jacobs	Robertson	Tobey	24
Cole	Kennaday	Sayre	Vedder	
Coleman	Lamont	Schoonmaker	Wagner	
Doolittle	Loomis	Selkreg	Wellman	

## FOR THE NEGATIVE.

Gerard

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

On motion of Mr. Bixby, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act to establish a court in the city of New York, to be known as the city court of New York, and to abolish the marine court of said city," was ordered considered in first committee of the whole after to-day.

On motion of Mr. Wellman, and by unanimous consent, the rules were suspended, and the Senate, in open executive session, confirmed the appointment of certain notaries public.

On motion of Mr. Wellman, and by unanimous consent, the rules were suspended, and the Clerk directed to transmit said confirmations to the Governor immediately.

Mr. Jacobs moved that when the Senate adjourns to-day it adjourn to meet on Monday evening next at ten minutes past eight o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Gerard moved that the committee on the judiciary be discharged from the further consideration of the Assembly bill entitled "An act to amend sections 6 and 29 of chapter 495 of the Laws of 1875, entitled 'An act relating to the court of arbitration of the Chamber of Commerce of the State of New York, and to provide for the expenses thereof,' and that the same be committed to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to authorize the board of supervisors of the county of Steuben to determine that the Addison and Elkland Plank-road Company abandon its plank-road in that county, and to provide for the abandonment thereof."

"An act making an appropriation for the erection of the new capitol."

After some time spent therein, the President resumed the chair, and Mr. Wagstaff, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Wagstaff, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

On motion of Mr. Harris, and by unanimous consent, said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Robertson	Vedder
Bradley	Harris	St. John	Wagner
Carpenter	Lamont	Sayre	Wagstaff
Cole	Loomis	Schoonmaker	Wellman
Coleman	Morrissey	Sprague	Woodin
Emerson	Prince	Tobey	

23

## FOR THE NEGATIVE.

Starbuck

1

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

Mr. Woodin presented the following :

*To the Legislature :*

Your committee of conference to which were referred the matter of difference between the two houses on Assembly bill No. 254, entitled "An act to secure better public administration in the local government of the city of New York," beg leave respectfully to report that they met and have agreed to recommend that the Assembly do concur in the following amendments to the bill as proposed by the Senate (reference in all cases being had to the engrossed bill), namely :

Section 3, line 13, strike out the word "presumptive," and insert the word "conclusive." Same section and line, after the word "facts," insert the words "and the same cannot thereafter be questioned in any manner whatever."

Section 7, line 5, after the word "eight," insert the words "and provided further that all works connected with the supply and distribution of pure and wholesome water in said city shall and may be prosecuted in the manner now authorized by law ; and, provided further, that it shall not be necessary to make a contract for any work or job, the whole expense of which shall not exceed the sum of one thousand dollars. And whenever, by any provision of law, it is or may be required or directed that a contract shall be founded on sealed bids or proposals, and whenever (unless with reference to expenses to be borne from the yearly taxes, it is otherwise expressly provided by law) any contract is to be entered into for an amount exceeding one thousand dollars, such contract and the expense thereof shall become and be a charge against the city of New York, or against the appropriate boards or fund therein, as the case may be, provided the officer entering into the same shall have first observed the provisions of this section, and not otherwise."

Section 34, lines 41, 42 and 43, strike out the words "the audit of all such claims is hereby set aside without prejudice to the rights of the parties to establish any such claim as in this section provided."

And your committee further recommend that the Senate do recede from the amendments to the bill as proposed and adopted in the Senate, namely :

Same section, strike out lines 6, 7 and 8, and to and including the word "act," in line 9.

And your committee further recommend that the following sections referred to them be amended respectively, so as to read as follows :

§ 32. No head of department, chief of bureau, officer, clerk or regular employe in any department of said city shall, after the thirty-first day of December, eighteen hundred and seventy-seven, be paid his salary, or any part or portion thereof, from the proceeds of bonds or stocks of said



city. And after said date no payment shall be made from the proceeds of said bonds or stocks for the rent of offices or supplies for offices of any department, or of any officer or officers of said city. The board of estimate and apportionment shall provide for all necessary expenses for the purpose aforesaid, in the annual estimate, in the same manner as other expenses of the city government are now provided for; provided, however, that whenever it may be necessary in the erection of any building or other structure, or in the prosecution of any particular work for the collection and distribution of pure and wholesome water in said city, to employ the services of an engineer, architect, superintendent, inspector, clerk, or other skilled person, in addition to the services that can reasonably be performed by the regular officers and employees of the department having charge of such work, it shall be lawful for the head of such department to employ a suitable person or persons for such purpose. Nothing in this section shall be held to apply to revenue bonds, or the proceeds thereof, authorized to be issued in anticipation of the taxes of said city.

§ 34. No action shall be maintained against the said mayor, aldermen and commonalty, unless the claim or account on which the action is brought has been presented in detail, in writing, to the comptroller, nor until after the expiration of thirty days from the date of such presentation; every such alleged claim or account so presented for settlement must set forth, with reasonable particularity, the grounds and items of claim, and the comptroller may, by subpoena, signed by him, require any person presenting for settlement any such claim or account to appear and be sworn before him touching the same, and when so sworn, to answer orally to any facts relative to the justness of such claim or account. In the case of claims for salaries and wages, the transmission to the department of finance of the pay-roll, stating the name of the officer or employe, his residence, official designation, term of service, the rate of salary or wages, and the amount due, verified by the official signature of the proper officer or officers whose duty it is to transmit such pay-roll, shall be a sufficient presentation of all such claims to the comptroller, under the requirements of this section. In case any claimant shall refuse to submit to such examination as hereinbefore provided, or shall refuse or willfully omit to answer any proper question, no action shall be maintained on such claim until such refusal or omission shall have ceased. No audit of any bill, account, claim or demand for which said city is liable, made by the board of supervisors of the county of New York, or by any auditing board or auditing officer prior to the thirtieth day of April, eighteen hundred and seventy-four, shall be evidence as to the correctness of said bill or account or as to the liability of said city therefor. It shall be the duty of any person presenting any such claim or demand to the comptroller for settlement, or who has commenced or may hereafter commence an action for the payment of any such claim or demand to show the validity and justness of the same, and the amount due and payable by the city thereon, independently of such audit, which shall not be evidence against the said city in such action. Hereafter any audit of any claim against said city, made by the board of aldermen must be approved of by the comptroller and only to the extent so approved shall the comptroller be required to pay the same. "Nothing in this section contained shall be construed to revive or render legal any demand or claim which was, prior to the passage of this act, barred by any statute."

In any action or special proceeding, any public record, report, book of account, estimate or document made in pursuance of any provision of law by or to any public officer, department or board may be read in behalf of said city, or department, board or officer, as presumptive evidence of the facts therein stated, and a copy thereof purporting or proved to have been made or published by authority of any such officer, department or board, may be read in evidence, with the same force and effect as if the said copy was original.

§ 40. There shall not be raised by tax upon the estates, real and personal, subject to taxation in the city of New York, in and for the year eighteen hundred and seventy-eight, or any subsequent year, an amount exceeding in the aggregate a sum equal to two and one-half per cent upon the valuation of such estates fixed by the commissioners of taxes and assessments for said city for the year eighteen hundred and seventy-seven. The board of estimate and apportionment of said city shall hereafter consist of the mayor of the city of New York, the comptroller of said city, the president of the department of taxes and assessments, and the president of the board of aldermen, and of four discreet, reputable citizens, who shall hold no other office under the city or State government, who shall be known as commissioners of apportionment; which said four commissioners shall be appointed by the mayor of the city of New York, within ten days after the passage of this act, and shall hold their offices for the terms of two, three, four and five years, respectively, from the date of their appointment, and until others are appointed in their stead. They shall receive no compensation for their services. In case of a vacancy in the office of either of said commissioners, the same shall be filled within ten days from the occurrence of said vacancy by the said mayor for the remainder of the unexpired term. In addition to the powers now possessed by said board, it shall, for the purposes of this act, have power, on making up each annual estimate or revising any annual estimate, when authorized to do so by law, to reduce the number (except heads of departments), and to regulate the salaries of all the officers, employes or other persons paid from the treasury of said city, whose salaries are provided for by tax, but shall not increase any salary beyond its amount in the year eighteen hundred and seventy-six, and also to regulate, fix and determine the sums to be applied and paid during any one year, for any purpose, as a charge on said city, whether the same is fixed by special laws or otherwise, excepting the proportion of the State taxes to be paid by said city, and the amount required to be provided by law to pay or to be applied on account of any bonds or stocks of said city payable from taxation not otherwise provided for, or the interest on the bonded debt of the city, or the salary of any person included in the judiciary, or the salary or compensation of any officer, superintendent, principal, teacher, servant or other person employed in the public instruction for the city and county of New York, heretofore or hereafter earned, which salary or compensation shall be fixed, regulated and adjusted by the board of education for the city and county of New York, from year to year, by a four-sevenths vote of all the members constituting said board of education, and when so fixed, regulated and adjusted, shall be certified under the direction of that board to the said board of estimate and apportionment, whose duty it shall be to include the same in its estimate for the annual expenses of the local government of the city and county of New York. In regulating said salaries, as herein

provided, it shall be lawful for said board of estimate and apportionment to fix the salaries of the officers and employes of any department of said city by grading the same into different classes, and determine the number of said officers and employes to be paid salaries at rates so fixed in each of said classes by said board.

§ 48. The board of estimate and apportionment of said city is hereby required at any time before the first day of July next, by the concurrent vote of all the members of said board, to reconsider, revise and redetermine the final estimate of the appropriation for the various purposes of the government of said city and a charge upon said city for the year eighteen hundred and seventy-seven, and the estimate so considered, revised and redetermined and approved by the concurrent vote of the members of said board, shall thereby become appropriated as the amount of money required to defray all the expenses necessary for conducting the public business in said city a charge upon the city, and also for paying the interest upon the city debt and the principal of such debt falling due, and providing for charitable and other objects, and said amounts shall be established and be the amount to be raised for such purposes, by tax, within the city and county of New York, for the year one thousand eight hundred and seventy-seven, and the amount thus established, after deducting the amount of the general fund, shall be certified to the board of aldermen by the comptroller, and said board is hereby empowered and directed to cause the amount so certified to be raised and collected in the year eighteen hundred and seventy-seven, by tax upon the estate, real and personal, within said city and county subject to taxation. The said board of aldermen shall add to the amount so certified such sums not exceeding three per centum thereon, as said comptroller shall certify to be necessary to provide for deficiencies in the actual product of the amount of taxes imposed and levied therefor.

§ 49. The office of inspector of weights and measures in said city is hereby abolished, and the powers and duties now vested in said inspectors are hereby transferred to and vested in the sealers of weights and measures, not more than two of whom shall be appointed or hold office in said city at any one time, and who shall exercise the said powers and duties in addition to those now required of them by law.

§ 50. This act shall take effect immediately, except as herein otherwise provided.

And as to all other matters referred to your committee, we recommend a concurrence in the bill as reported by the former conference committee on said bill, and for the avoidance of error and mistakes, your committee herewith submit a complete copy of said bill, as amended, and recommend the Senate and Assembly do concur.

WM. B. WOODIN,  
J. W. GERARD,  
B. P. CARPENTER,  
*Senate Committee.*

HAMILTON FISH, JR.,  
CARROL E. SMITH,  
ELLIOT C. COWDIN,  
THORNTON A. NIVEN,  
*Assembly Committee.*

I dissent from those portions of the bill which relate to the revision of the board of estimate and apportionment and to the creation of a board of street openings and improvements, together with that section which allows the board of estimate and apportionment to regulate the salaries of policemen and firemen.

PETER MITCHELL.

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bradley	Hammond	St. John	Tobey
Carpenter	Harris	Sayre	Vedder
Cole	Lamont	Selkieg	Wagner
Coleman	Loomis	Sprague	Wellman
Emerson	Prince	Starbuck	Woodin
Gerard	Robertson		

22

## FOR THE NEGATIVE.

Morrissey	Schoonmaker	2
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference thereon.

A message from the Assembly was received and read, as follows:

IN ASSEMBLY, *May 9, 1877.*

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the bill entitled "An act to amend chapter 432 of the Laws of 1876, entitled 'An act to provide for a further supply of pure and wholesome water for the Twenty-third and Twenty-fourth wards, in the city of New York.'"

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. Purdy, and by unanimous consent, the same was amended as follows:

§ 1. The commissioner of public works of the city of New York, is hereby authorized to expend not exceeding \$300,000, or so much thereof as shall be necessary, in such manner as he shall deem for the best interest of said city, in acquiring title to the necessary land for the laying of water-pipes, and for a reservoir, and for the construction of such reservoir, and for procuring the necessary surveys therefor, and for the purchase of necessary materials, and the laying of pipes, and the construction of such other work as may be necessary for the distribution of Croton water, or other pure and wholesome water for the extinguishment of fires, and all other purposes that may be required in the Twenty-third and Twenty-fourth wards of said city. The work required to be done (except for making necessary surveys and the laying of pipes), and the material required to be furnished for the aforesaid purposes, shall be done and furnished by contract entered into by the department of public works of said city, founded on sealed proposals made in compliance with public notice duly advertised in the City Record for at least ten days before such bids or proposals shall be opened. All such contracts when awarded, shall be awarded to the bidder who, in the opinion of the said commissioner, is the lowest competent and responsible bidder. The terms of such contract shall be settled by the counsel to the corporation of said city, as an act of preliminary specification to the bid or proposal, a form of which shall form a part of the specifications. The person or party to whom such contract shall be awarded, shall give security satisfactory to the comptroller of said city for the faithful performance of his contract in such amount as said commissioner shall direct, and with at least two sureties to be approved by such comptroller; such comp-

troller shall pass upon and determine the sufficiency of such sureties within twenty days after the same shall have been presented to him for his determination and approval. All bids or proposals shall be publicly opened by the officers advertising for the same, and in the presence of said comptroller, but the opening of the bids shall not be postponed, if the comptroller shall, after due notice, fail to attend. If such lowest competent and responsible bidder shall neglect or refuse to accept to contract within forty-eight hours after written notice that the same has been awarded to his bid or proposal, or if he accepts, but does not execute the contract and give the proper security, it shall be re-advertised and re-let as above provided.

In case any work shall be abandoned by the contractor, it shall be re-advertised and re-let by the commissioner of public works in the manner in this section provided; not more than ten thousand dollars shall be expended in making the aforesaid survey."

And as amended, passed, and ordered sent to the Senate for concurrence.

EDWARD M. JOHNSON, *Clerk.*

The President put the question whether the Senate would agree to reconsider the vote by which said bill was passed, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bixby	Harris	Sayre	Tobey
Bradley	Lamont	Schoonmaker	Vedder
Carpenter	Loomis	Selkreg	Wagner
Cole	Morrissey	Sprague	Wagstaff
Coleman	Robertson	Starbuck	Woodin
Gerard	St. John		

22

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bradley	Harris	Sayre	Vedder
Carpenter	Kennaday	Schoonmaker	Wagner
Cole	Lamont	Selkreg	Wagstaff
Emerson	Loomis	Sprague	Wellman
Gerard	Robertson	Starbuck	Woodin
Hammond	St. John	Tobey	

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, as amended.

The Assembly returned the bill entitled "An act supplemental to chapter 448 of the Laws of 1876, entitled 'An act relating to courts, officers of justice and civil proceedings,'" with a message that they had concurred in the passage of the same, with the following amendments:

Section 1, line 3, strike out all after the words "amended by," down to and including the words "that is to say," on line 7, and insert in lieu thereof the words "striking out section fourteen hundred and ninety-six thereof, and by adding after section fourteen hundred and ninety-five thereof, as follows, that is to say."

Section 3236, line 6, after the word "printing," insert the words "and referee's fees."

Section 3253, subdivision 1, strike out the words "the sum awarded, not to exceed the aggregate, two hundred dollars."

Strike out section 3254.

Amend section 3288 so as to read as follows:

§ 3288. The fees of a referee, appointed to sell real property, pursuant to a judgment in an action must be fixed by the court at such a sum as it deems a reasonable compensation for his services, not exceeding two hundred and fifty dollars."

Section 3311, subdivision 3, line 3, strike out the word "October," and insert the word "September."

Same section, subdivision 4, line 3, strike out the word "October," and insert the word "September."

Same section, subdivision 5, line 6, strike out the word "October," and insert the word "September."

Same section, subdivision 6, line 2, strike out the word "October," and insert the word "September."

Same section, subdivision 7, line 7, at the end thereof insert the words "article second of."

Same section and subdivision, lines 2 and 3, strike out "except sections 1176 to 1179, both inclusive, and sections 1181 and 1184."

Same section and subdivision, line 4, strike out the word "October," and insert the word "September."

Same section and subdivision, line 6, after the word "fourth," insert the words "and article first of title fifth."

Same line, after the word "four," insert the words "and juries formed at."

Same section and subdivision, line 8, strike out the word "October," and insert the word "May."

Same section and subdivision, line 13, strike out the word "titles," and insert the words "portions of chapter tenth."

Same section and subdivision, lines 17 and 18, strike out the word "October," and insert the word "May."

Same section and subdivision, line 31, strike out the word "October," and insert the word "May."

Same section, subdivision 8, line 4, strike out the word "October," and insert the word "September."

Same section and subdivision, line 8, strike out the words "thirtieth day of September," and insert the words "thirty-first day of August."

Same section, subdivision 9, line 2, strike out the word "October," and insert the word "September."

Same section, subdivision 10, line 2, strike out the word "October," and insert the word "September."

Same section, subdivision 11, line 3, strike out the word "October," and insert the word "September."

Same section and subdivision, line 7, strike out the word "thirtieth," and insert the word "thirty-first."

Same section and subdivision, line 8, strike out the word "September," and insert the word "August."

Add at the end of the section the following, after subdivision 13:

"Where any provision of this act is made by this section, applicable to future proceedings in an action or special proceeding, the proceedings therein, until the provision in question becomes applicable, are governed by, and must be conducted according to the laws in force on the thirty-first day of August, 1877."

Section 3312, line 3, strike out the words "twenty-second day of October," and insert the words "twenty-first day of May."

Same section, line 9, strike out the word "October," and insert the word "September."

Section 3313, line 2, strike out the word "October," and insert the word "September."

Same section, subdivision 1, line 1, strike out the word "October," and insert the word "September."

Section 3315, lines 3 and 4, strike out the words "thirtieth day of September," and insert the words "thirtieth day of August."

Section 3316, line 4, strike out the words "thirtieth day of September," and insert the words "thirty-first day of August."

Add as section 3318, the following :

"§ 3318. Subject to the qualifications contained in the foregoing sections of this title, 'this act shall take effect as follows: Titles third and fourth, and article first of title fifth, of chapter tenth, on the first day of May, in the year 1877; the remainder of this act, except this chapter, on the first day of September, in the year 1877, and this chapter immediately.'"

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Hammond	St. John	Vedder
Bixby	Kennaday	Schoonmaker	Wagner
Bradley	Lamont	Selkreg	Wagstaff
Carpenter	Loomis	Sprague	Wellman
Emerson	Prince	Starbuck	Woodin
Gerard	Robertson	Tobey	

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

On motion of Mr. Sprague, and by unanimous consent, the concurrent resolution proposing an amendment to section 6 of article 7 of the Constitution, relative to sale of canals, was ordered considered in first committee of the whole after to-day.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act relating to sales of lands for non-payment of taxes in the town of Jamaica, Queens county," reported in favor of the passage of the same.

Mr. Prince moved that said bill be ordered to a third reading, and pending which the same be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to legalize and confirm the official acts of the trustees of the village of New Brighton," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

On motion of Mr. Wagstaff, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act to provide for paying for services and materials furnished in caring for and burying certain members of the National Guard, killed and wounded in the public service," was ordered considered in first committee of the whole.

Mr. Sprague, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act to legalize and authorize the town of Westchester, in the county of Westchester, to raise money to pay judgment against commissioner of eastern boulevard," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Bixby asked and obtained leave to introduce a bill entitled "An act to amend chapter 335 of the Laws of 1873, entitled 'An act to re-organize the local government of the city of New York, in relation to the department of buildings of the city of New York,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Schoonmaker moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Baaden	Hammond	Robertson	Starbuck	
Bradley	Lamont	Sayre	Vedder	
Carpenter	Morrissey	Schoonmaker	Wagstaff	12

FOR THE NEGATIVE.

Bixby	Kennaday	St. John	Wellman	
Gerard	Loomis	Selkreg	Woodin	
Harris	Prince	Sprague		11

Whereupon the Senate adjourned.

MONDAY, MAY 21, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

On motion of Mr. Cole, the reading of the journal of Saturday, May nineteenth, was dispensed with.

Mr. Wagstaff presented a remonstrance of policyholders against the passage of Assembly bill entitled "An act for the protection of policyholders;" which was read and referred to the committee on insurance.

Mr. Wellman presented a remonstrance of policyholders upon the same subject; which was read and referred to the committee on insurance.

On motion of Mr. Bixby and by unanimous consent, the committee of the whole was discharged from the further consideration of the Assembly bill entitled "An act to establish a court in the city of New York, to be known as the 'city court of New York,' and to abolish the marine court of said city," and the same was ordered to a third reading.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the concurrent resolution and bills entitled as follows:

"Concurrent resolution to amend section 6 of article 7 of the Constitution, relative to canals."



Assembly, "An act to amend section 3, article 2, title 6, chapter 6, part 1 of the Revised Statutes, in relation to the election of president and vice-president."

Assembly, "An act to provide for paying for services and materials furnished in caring for and burying certain members of the National Guard, killed and wounded in the public service."

After some time spent therein, the President resumed the chair, and Mr. Cole, from said committee, reported progress on said concurrent resolution, and asked and obtained leave to sit again.

Mr. Cole, from the same committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Cole, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered to a third reading.

A message was received from the Governor in the words following :

STATE OF NEW YORK — EXECUTIVE CHAMBER, {  
ALBANY, May 21, 1877.

*To the Senate:*

I return without approval Senate bill No. 29, entitled "An act in relation to proceedings in the Surrogate's Court of the county of Erie, and to the powers and jurisdiction of the surrogate thereof."

This bill confers upon the surrogate of Erie county the equitable jurisdiction over certain trustees now residing in the Supreme Court. A similar act applying to the entire State was returned to the Assembly without approval some time since. The reason then given for the disapproval of that bill apply with equal force to the present one. It has not been shown that Erie county is in greater need of such an enactment than other portions of the State.

Aside from these reasons, the present condition of the law of legal proceedings in this State is such as to render it unwise, in my judgment, to enact special local laws upon subjects certain to be treated generally within a very short period.

L. ROBINSON.

Mr. Sprague moved that said message be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A message was received from the Governor in the words following :

STATE OF NEW YORK — EXECUTIVE CHAMBER, {  
ALBANY, May 21, 1877.

*To the Senate:*

I return without approval Senate bill No. 120, entitled "An act to repeal chapter 74 of the Laws of 1866, entitled 'An act to create a Metropolitan Sanitary District and Board of Health therein for the preservation of life and health, and to prevent the spread of disease, so far as relates to Queens county, and to provide for the appointment of boards of health in the several towns of Newton, Flushing and Jamaica, in said county, and defining their powers and duties.'"

The locality mentioned in this bill and subject to its provisions, has been for many years a part of the Metropolitan Sanitary District, and subject to the control of its health authorities. This act seeks to take the district mentioned out of the Metropolitan Sanitary District, by repealing the provisions of the Metropolitan Health act, as far as it applies to Queens county.

It does not appear that any particular hardship to this locality has been wrought by the operations of the act repealed, while the proximity of this part of the metropolitan district to the city of New York renders it very possible that it may, at some time, be important to the sanitary welfare of the inhabitants of the city, that its health authorities should have control over part, if not all, the territory now sought to be taken from their jurisdiction.

L. ROBINSON.

Mr. Prince moved that said message be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the Assembly bill entitled "An act in relation to the salaries, fees, percentages and allowances of the officers of the city of Brooklyn," with a message that they non-concur in the amendments made thereto by the Senate, and request a committee of conference thereon, and have appointed a committee on their part consisting of Messrs. Bradley, Suydam, Marvin, Tighe and McGroarty.

Mr. Jacobs moved that a like committee be appointed on the part of the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee, Messrs. Jacobs, Kennaday and Tobey.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have appointed a committee of conference thereon.

The Assembly returned the bill entitled "An act to vacate and cancel certain awards for closing part of Main street, in the city of Yonkers, and to authorize the common council of said city to close and discontinue certain parts of said street, without payment of awards heretofore made for the discontinuance of the public use thereof," with a message that they had concurred in the passage of the same, with the following amendments:

"Section 2. This act shall not affect the title to the fee of any of the land within any part of such street which shall be closed or discontinued."

Make section 2 of engrossed bill section 3."

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Sprague
Bixby	Hammond	Robertson	Starbuck
Bradley	Harris	St. John	Vedder
Carpenter	Jacobs	Sayre	Wagstaff
Cole	Kennaday	Schoonmaker	Wellman
Coleman	Lamont	Selkreg	Woodin
Emerson	Moore		

26

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to repeal certain acts and parts of acts," with a message that they had passed the same, with the following amendments :

Section 5, strike out the word "October," and insert the word "September."

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Schoonmaker	
Bixby	Gerard	Morrissey	Selkreg	
Bradley	Hammond	Prince	Sprague	
Carpenter	Harris	Robertson	Starbuck	
Cole	Kennaday	St. John	Vedder	
Coleman	Lamont	Sayre	Wellman	24

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to amend chapter 448 of the Laws of 1876, entitled 'An act relating to courts, officers of justice and civil proceedings, and to provide for the publication of the act as amended,'" with a message that they had concurred in the passage of the same, as amended.

*Ordered,* That the Clerk deliver said bill to the Governor.

The Assembly returned the bill entitled as follows :

"An act to provide for the construction, repair and improvement of docks, wharves, piers, slips and bulk-heads in the city of New York, and for the management and control of the same."

*Ordered,* That the Clerk deliver said bill to the Governor.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto :

"An act to amend chapter 776 of the Laws of 1870, entitled 'An act to amend an act entitled 'An act to provide for the incorporation of villages,' passed December 7, 1847, and the several acts amendatory thereof, so far as the same relate to the village of Mount Vernon, in the county of Westchester, and to declare, enlarge and define the powers and duties of the officers of said village, and to confirm and extend the powers of the corporation of said village, passed May 10, 1870."

"An act to prevent frequent changes of text-books."

*Ordered,* That the Clerk return said bills to the Assembly.

The Assembly returned the following entitled Assembly bill, with a message that they had agreed to the report of the committee of conference thereon :

"An act to authorize the city of Rochester to acquire the title to land or other property for the use and purposes of water-works, sewers, dumping rubbish and dirt."

*Ordered,* That the Clerk return said bill to the Assembly.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same :

"An act making appropriations for the New Capitol, the Buffalo State Asylum for the Insane, and the Hudson River State Hospital for the Insane."

"An act in relation to the compensation of overseer of the poor, town

clerk and commissioner of highways in the town of Saugerties, Ulster county."

"An act to provide for the raising of moneys to defray the expense of paving Boston avenue and Third avenue, from Westchester avenue to the northerly boundary of the Twenty-third ward in the city of New York."

"An act to authorize the board of education of the city of Poughkeepsie to appoint a superintendent of public schools, and fix his compensation."

"An act for the more effectual prevention of wanton and malicious mischief, and to prevent the defacement of natural scenery."

"An act to suspend the operation of parts of chapters 448 and 449 of the Laws of 1876, to continue in force the laws superseded thereby, and to regulate proceedings in civil actions."

"An act in relation to the payment of taxes and assessments in the city of Brooklyn."

"An act for the relief of Charles S. Beardley, late a contractor in the State prison at Auburn."

"An act to provide for the repair of docking on the Chemung canal, at Corning."

"An act repealing certain acts and parts of acts."

"An act to further amend chapter 448 of the Laws of 1876, entitled

'An act relating to courts, officers of justice and civil proceedings.'"

*Ordered*, That the Clerk deliver said bills to the Governor.

By unanimous consent, Mr. Vedder introduced a bill entitled "An act for the better security of life from fire in hotels and other buildings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Selkreg introduced a bill entitled "An act making certified copies of records in the offices of the Comptroller of the State of New York and the Treasurer of the State of New York, evidence in the courts of this State," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Selkreg, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Hammond	Moore	Selkreg
Bixby	Jacobs	Morrissey	Sprague
Bradley	Kennaday	Prince	Starbuck
Carpenter	Lamont	St. John	Wagstaff
Cole	Loomis	Sayre	Woodin
Coleman			

21

#### FOR THE NEGATIVE.

Schoonmaker      Vedder

2

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills and concurrent resolution entitled as follows :

"An act to provide for the disposition and sale of certain lateral canals of this State, and the lands, rights and other property connected therewith."

"An act to regulate the quality, supply and price of illuminating gas in the State of New York, and for the protection of manufacturers and consumers thereof."

"Concurrent resolution in the words following:

*Resolved* (if the Assembly concur), That section 6 of article 3 of the Constitution be amended so as to read as follows:

§ 6. Each member of the Legislature shall receive for his services an annual salary of \$1,000. The members of either house shall also receive the sum of one dollar for every ten miles they shall travel, in going to and returning from their place of meeting once in each session on the most usual route. Senators, when the Senate alone is convened in extraordinary session, or when serving as members of the court for the trial of impeachment, and such Members of the Assembly, not exceeding nine in number, as shall be appointed managers of an impeachment, shall receive an additional allowance of \$10 a day.

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that in conformity to section 1 of article 13 of the Constitution, it be published for three months previous to the time of such election."

After some time spent therein, the President resumed the chair, and Mr. Sprague, from said committee, reported progress on the first named bill, and asked leave to sit again.

Mr. Prince moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bixby	Jacobs	Robertson	Sprague	
Cole	Kennaday	St. John	Starbuck	
Gerard	Moore	Sayre	Wagstaff	
Harris	Prince	Schoonmaker		15

FOR THE NEGATIVE.

Bradley	Hammond	Selkreg	Wellman	
Doolittle	Lamont	Vedder	Woodin	8

Mr. Sprague, from the same committee, reported in favor of the passage of the last named bill, with amendments, and have amended the title by inserting after the words "gas in," the words "certain cities in this," and striking out the words "the" and of "New York," which report was agreed to, and the same ordered to a third reading.

Mr. Sprague, from the same committee, reported in favor of the adoption of said concurrent resolution, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Moore gave notice that he would, at some future day, move to suspend the twentieth rule.

On motion of Mr. Cole, the Senate adjourned.

## TUESDAY, MAY 22, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

On motion of Mr. Kennaday, the reading of the journal of yesterday was dispensed with.

Messrs. Woodin, Cole and Prince presented remonstrances of policy holders in life insurance companies, against the passage of Assembly bill entitled "An act for the protection of policy holders;" which were read and referred to the committee on insurance.

On motion of Mr. Sprague, and by unanimous consent, the rules were suspended and the following entitled Assembly bills were ordered to a third reading.

"An act to amend an act entitled 'An act to revise the charter of the city of Buffalo,' passed April 28, 1870."

"An act to amend titles 6 and 9 of an act entitled 'An act to revise the charter of the city of Buffalo,' passed April 28, 1870"

Mr. Prince offered the following:

*Resolved*, That a respectful message be sent to the honorable the Assembly requesting the recall of Assembly bill No. 246, entitled "An act to amend chapter 817 of the Laws of 1873, entitled 'An act regulating the deposit of securities by plate-glass insurance companies.'"

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

On motion of Mr. Wellman, and by unanimous consent, the rules were suspended, and Assembly bill entitled "An act to authorize the trustees of the corporation of the village of Portageville, county of Wyoming, to cause an assessment to be made of the taxable property of said corporation and to be levied and collected a tax sufficient to pay the indebtedness of said corporation," was ordered to a third reading.

On motion of Mr. Doolittle, and by unanimous consent, the rules were suspended, and Assembly bill entitled "An act for the relief of Amelia Harvard and others, grandchildren of Mary Ann Harvard, deceased," was ordered to a third reading.

On motion of Mr. Kennaday, and by unanimous consent, the rules were suspended, and Assembly bill entitled "An act in relation to the repaving and improvement of Fourth street from Division avenue to Grand street, in the city of Brooklyn," was ordered to a third reading.

On motion of Mr. Moore, and by unanimous consent, the rules were suspended, and Assembly bill entitled "An act to amend section 3, article 2, title 6, chapter 6, part 1 of the Revised Statutes, in relation to the election of president and vice-president," was ordered considered in the first committee of the whole not full.

On motion of Mr. Tobey, and by unanimous consent, the rules were suspended, and Assembly bill entitled "An act to amend chapter 440 of the Laws of 1873, entitled 'An act requiring commissioners of highways

to act as inspectors of plank-roads and turnpikes," was ordered to a third reading.

On motion of Mr. Vedder, and by unanimous consent, the rules were suspended, and Assembly bill entitled "An act to extend the limits of union free school district No. 1 of the town of Ellicott, Chautauqua county, and to authorize the board of education to employ a superintendent, and fix the time of holding their annual school meeting," was ordered considered in the first committee of the whole not full.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills and concurrent resolution entitled as follows:

"An act making certified copies of records in the office of the Comptroller of the State of New York, and the Treasurer of the State of New York, evidence in the courts of this State."

"An act to regulate the quality, supply and price of illuminating gas in certain cities in this State, and for the protection of manufacturers and consumers thereof."

"Concurrent resolution proposing an amendment to section 6 of article 3 of the Constitution."

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same:

"An act further to amend chapter 366 of the Laws of 1859, entitled 'An act to establish an insurance department.'"

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to confirm and levy a certain assessment for excavating, filling and forming Swan street from Elm street to Morton street, in the city of Albany, and conferring upon the mayor and a majority of the common council of said city power to reduce the said assessment fifty per cent."

"An act to amend chapter 896 of the Laws of 1869, entitled 'An act to incorporate the Crescent Company and to extend the time within which the corporation thereby created may commence its operation.'"

"An act to amend chapter 368 of the Laws of 1865, entitled 'An act for the incorporation of societies or clubs for certain social and recreative purposes.'"

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the following entitled Assembly bill, with a message that they had agreed to the report of the committee of conference thereon.

"An act to amend chapter 767 of the Laws of 1872, entitled 'An act to establish the compensation of county judges and surrogates, pursuant to the fifteenth section of the amended sixth article of the Constitution.'"

The Assembly returned the bills entitled as follows:

"An act supplemental to chapter 448 of the Laws of 1876, entitled 'An act relating to courts, officers of justice and civil proceedings.'"

"An act to repeal certain acts and parts of acts."

"An act making certified copies of records in the office of the Comptroller of the State of New York, and the Treasurer of the State of New York, evidence in the courts of this State."

"An act to vacate and cancel certain awards for closing part of Main street, in the city of Yonkers, and to authorize the common council of said city to close and discontinue certain parts of said street, without payment of awards heretofore made for the discontinuance of the public use thereof."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly bill entitled "An act to provide for paying for services and materials furnished in caring for and burying certain members of the national guard, killed and wounded in the public service," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Lamont	St. John	Starbuck
Cole	McCarthy	Sayre	Tobey
Coleman	Moore	Schoonmaker	Vedder
Gerard	Morrissey	Selkreg	Wagstaff
Jacobs	Robertson	Sprague	Wellman
Kennaday			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to establish a court in the city of New York, to be known as the 'city court of New York,' and to abolish the marine court of said city," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Braden	Doolittle	Morrissey	Vedder
Bixby	Emerson	St. John	Wagstaff
Carpenter	Loomis	Selkreg	Wellman
Cole	McCarthy	Sprague	Woodin
Coleman	Moore	Tobey	

19

FOR THE NEGATIVE.

Kennaday	Lamont	Schoonmaker	Starbuck	4
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to incorporate the battle of White Plains Monument Association, to provide for the laying out of a plot of ground in the village of White Plains, county of Westchester, and State of New York, and for the erection of a monument thereon, commemorating the battle of White Plains, fought October 28, 1776," having been announced for a third reading,

On motion of Mr. Robertson, and by unanimous consent, said bill was amended as follows:

Add the following additional corporators: "John W. Young, Samuel Hopper, Edward B. Long, Daniel Tripp, Leonard Miller, Elisha Horton, Jr., James H. Moran, William H. Albro, William Reynolds Brown."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a major-



ity of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Jacobs	Robertson	Starbuck
Bixby	Kennaday	St. John	Vedder
Bradley	McCarthy	Sayre	Wagstaff
Cole	Moore	Selkreg	Wellman
Coleman	Morrissey	Sprague	Woodin
Emerson			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act relating to sales of lands for non-payment of taxes in the town of Jamaica, Queens county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Morrissey	Selkreg
Bixby	Emerson	Robertson	Starbuck
Bradley	Gerard	St. John	Vedder
Carpenter	Kennaday	Sayre	Wagstaff
Cole	Loomis	Schoonmaker	Wellman
Coleman	Moore		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the board of supervisors of the county of Steuben to determine that the Addison and Elkland Plank-road Company abandon its plank-road in that county, and to provide for the abandonment thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Coleman	Lamont	St. John
Bixby	Doolittle	Loomis	Schoonmaker
Bradley	Emerson	McCarthy	Selkreg
Carpenter	Gerard	Morrissey	Starbuck
Cole	Kennaday	Robertson	Wellman

20

## FOR THE NEGATIVE.

Harris

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to regulate the quality, supply and price of illuminating gas in certain cities in the State, and for the protection of manufacturers and consumers thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Prince
Bradley	Jacobs	McCarthy	Selkreg
Carpenter	Kennaday	Moore	Vedder
Doolittle	Lamont	Morrissey	15

## FOR THE NEGATIVE.

Coleman	Schoonmaker	Starbuck	Wellman
Harris	Sprague	Wagstaff	Woodin
St. John			9

Mr. Jacobs moved to reconsider the vote by which said bill was lost, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Jacobs asked and obtained leave to introduce a bill entitled "An act for the relief of Walter T. Livingston and Abram H. Dailey, and to pay their expenses in determining the right to the office of surrogate of Kings county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the Assembly bill entitled as follows:

"An act authorizing the taxation of stockholders of banks, and the surplus funds of savings banks."

After some time spent therein, the President resumed the chair and announced executive session.

Mr. Woodin moved that the rules be suspended, and that the Senate hold an open executive session.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Whereupon the Senate, in open executive session, confirmed the appointment by the Governor of Celora E. Martin, of Binghamton, to be justice of the Supreme Court for the sixth judicial district, in place of Ransom Balcom, resigned.

Also the following appointments for commissioners for loaning certain moneys of the United States in the county of Sullivan: Luther Pelton, of Monticello, in place of Cornelius Hatch. Roderick Morrison, of White Lake, in place of Joseph S. Hall.

Also the appointment of certain notaries public.

On motion of Mr. Loomis, and by unanimous consent, the rules were suspended and the Clerk was directed to transmit said confirmations to the Governor immediately.

Mr. Tobey, from the committee on insurance, to which was referred the Assembly bill entitled "An act to provide for the better protection of policyholders of life insurance companies," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Tobey moved that said bill as amended be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Prince moved that the consideration of said bill be made a special order for to-morrow morning at twelve o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend chapter 335 of the Laws of 1873, entitled 'An act to re-organize the local government of the city of New York, in relation to the department of buildings of the city of New York,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows:

Assembly, "An act authorizing the taxation of stockholders of banks, and the surplus funds of savings banks."

After some time spent therein, the President resumed the chair, and Mr. Vedder, from said committee, reported in favor of the passage of the said named bill, with amendments, and have amended the title by striking out the words "and the surplus funds of savings banks."

Mr. Robertson moved to amend the report by striking out all the amendments made to said bill in committee of the whole, and restoring the same as it came from the Assembly, as follows:

SECTION 1. No tax shall hereafter be assessed upon the capital property or franchise of any bank or banking association organized under the authority of this State or the United States, except as is hereinafter provided.

§ 2. The shareholders of every bank or banking association shall be assessed and taxed upon their shares of stock therein, in the same manner as now provided by law, and not otherwise, except that the surplus of each bank or banking association shall be exempt from assessment and taxation in an amount equal to twenty-five per cent of its capital.

§ 3. This act shall take effect immediately.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Sayre	
Bixby	Kennaday	Robertson	Sprague	
Doolittle	Lamont	St. John	Wagner	12

#### FOR THE NEGATIVE.

Bradley	Jacobs	Prince	Vedder	
Carpenter	Loomis	Schoonmaker	Wagstaff	
Coleman	McCarthy	Selkreg	Wellman	
Hammond	Moore	Starbuck	Woodin	
Harris				17

The President then put the question whether the Senate would agree to said report, and it was decided in the affirmative.

Said bill was then ordered to a third reading.

Mr. Gerard offered the following:

*Resolved* (if the Assembly concur), That the Legislature do adjourn sine die on Friday next at half-past ten o'clock, P. M.

*Ordered*, That said resolution be laid upon the table.

Mr. Woodin offered the following :

*Whereas*, The testimony taken in the matter of the charges against D. W. C. Ellis, the Superintendent of the Banking Department, will not be printed in time for the use of the Senate during its present legislative session; and,

*Whereas*, It is deemed important that the case be considered and disposed of as soon as practicable; therefore,

*Resolved*, That his Excellency the Governor be and he is hereby requested to convene the Senate in extraordinary session, immediately before the final adjournment of the Legislature.

The President then put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Governor.

The committee of conference appointed by the Senate and Assembly to which was referred the matter of difference between the two houses upon the Assembly bill entitled "An act to repeal an act to alter the map or plan of the city of New York by laying out thereon a parade ground, and to authorize the taking of the same," passed April 20, 1871," having met and duly considered the same have agreed to recommend that the Assembly concur in the amendments of the Senate made to said bill as amended by the committee in the following particulars:

On line 23, after the word "damage," insert the words "legal or equitable, if any."

On line 46, after the word "proceedings," insert the words "in the discretion of the court."

Add at the end of line 58 the following: "Nothing herein contained shall be construed to legalize, confirm or recognize as valid or equitable any claim or claims hereinbefore mentioned; but the legality or equity of any or all such claims shall be determined by said commissioners and by the court upon the hearing of their report."

*Dated ALBANY, May 22, 1877.*

E. C. SPRAGUE,  
J. W. GERARD,  
W. H. ROBERTSON,  
*Senate Committee.*

PETER MITCHELL,  
J. C. JULIUS LANGBEIN,  
CHRIS. FLECKE,  
WM. H. CORSA,  
A. H. PURDY,  
*Assembly Committee.*

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Hammond	Morrissey	Starbuck	
Bixby	Harris	Robertson	Wagner	
Coleman	Jacobs	Sayre	Wagstaff	
Doolittle	Kennaday	Schoonmaker	Wellman	
Gerard	Lamont	Sprague	Woodin	20

FOR THE NEGATIVE.

Bradley

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference thereon.

On motion of Mr. St. John, and by unanimous consent, the rules were suspended and the Assembly bill entitled "An act to amend an act entitled 'An act respecting elections other than for militia and town officers, passed April 5, 1842, as amended by chapter 698 of the Laws of 1872,'" was ordered to a third reading.

On motion of Mr. Jacobs, the Senate took a recess until half-past seven o'clock P. M.

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### HALF-PAST SEVEN, P. M.

The Senate again met.

On motion of Mr. Kennaday, and by unanimous consent, the rules were suspended, and the bill entitled "An act to repeal chapter 556 of the Laws of 1871, entitled 'An act relating to Queens County Railway Company, and to repeal the first section of chapter 633 of the Laws of 1872, entitled An act relating to the Queens County Railway Company,'" was ordered to a third reading.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend chapter 703 of the Laws of 1873, entitled 'An act to authorize the extension of railroad tracks on Buffalo avenue and other streets and avenues in the city of Brooklyn and the county of Kings,' passed June 10, 1873," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to provide for the payment of certain sewers built in the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was recommitted the Assembly bill entitled "An act to repeal an act entitled 'An act to widen and improve North Second street, in the city of Brooklyn,' passed April 19, 1871,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to establish a high school in the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act in relation to street improvements in the Twenty-third and Twenty-fourth wards of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Morrissey, and by unanimous consent, the rules were suspended, and the following entitled Assembly bills were ordered considered in first committee of the whole:

"An act entitled an act to authorize a recovery at law for certain print-

ing done for, and stationery furnished to the boards of aldermen and assistant aldermen in the city of New York."

"An act in relation to the repairing of streets, south of Fourteenth street, in the city of New York."

The Senate then resolved itself into a committee of the whole and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to authorize the board of education of Union Free School District No. 1 of the town of Ellicott, Chautauqua county, to employ a superintendent and fix the time of holding their annual school meeting."

Assembly, "An act in relation to the repairing of streets south of Fourteenth street, in the city of New York."

Assembly, "An act to amend section 3, article 2, title 6, chapter 6, part 1 of the Revised Statutes, in relation to the election of president and vice-president."

After some time spent therein, the President resumed the chair, and Mr. Moore, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Moore, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Moore moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Emerson	Prince	Sprague
Carpenter	Harris	Robertson	Wagner
Cole	McCarthy	Sayre	Wellman
Coleman	Moore	Selkreg	Woodin
Doolittle			

17

#### FOR THE NEGATIVE.

Bixby	Jacobs	Loomis	Schoonmaker
Bradley	Kennaday	Morrissey	Starbuck
Gerard	Lamont	St. John	Vedder
Hammond			

18

Said bill was then ordered to a third reading.

Mr. Cole, from the committee on canals, to which was referred the Assembly bill entitled "An act to provide for the introduction of an improved system of steam towage upon the canals of the State," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

On motion of Mr. Vedder, and by unanimous consent, the rules were suspended and said bill was ordered considered in first committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act for the relief of Walter R. Livingston, and Abram H. Dailey, and to pay their expenses in determining the right to the office of surrogate of Kings county," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to punish frauds by officers and managers of certain corporations," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Woodin, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

•  
**FOR THE AFFIRMATIVE.**

Bixby	Hammond	Morrissey	Sprague
Bradley	Harris	Prince	Starbuck
Carpenter	Jacobs	Robertson	Vedder
Cole	Kennaday	St. John	Wagner
Coleman	Lamont	Sayre	Wagstaff
Doolittle	Loomis	Schoonmaker	Wellman
Emerson	McCarthy	Selkreg	Woodin
Gerard	Moore		

30

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That this Legislature will adjourn *sine die* on Thursday afternoon, May twenty-fourth instant, at four o'clock.

*Ordered*, That said resolution be laid upon the table.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to punish frauds by officers and managers of certain corporations."

The Assembly returned the bill entitled "An act authorizing the formation of town insurance companies," with a message that they had concurred in the passage of the same, with the following amendments: (See engrossed bill.)

Section 1, line 2, after the word "town," insert the words "or in any two adjoining towns." Line 11, same section, after the word "corporations," insert the word "or." Same section, line 11, strike out the word "is," before the word "necessary," and insert the words "may be." Same section, last line, strike out the words "company is organized," and insert in lieu thereof the words "business office of said company is located."

Section 3, strike out all of line 10, after the word "thereof," and all of line 11. Strike out all in line 12, after the word "open," down to and including the word "and," in line 16. Insert after the word "inspection," in line 16, the words "of every member thereof, and also."

Section 4, line 5, after the word "contents," strike out the words "that was," and insert in lieu thereof the words "which may be;" line 7, strike out the word "loser;" line 8, strike out the word "six," and insert the word "three."

Section 6, lines 4 and 5, strike out the words "whose duty it shall be forthwith," and insert in lieu thereof the words "who shall thereupon, within ten days."

Section 6, strike out all of line 19, after the word "same," down to and including the word "claimant," in line 21.

Same section, strike out all after the word "lien," in line 31, down to and including the word "reference," at end of section.

Section 8, strike out the word "are," after the word "collection," in line 8, and insert in place thereof the words "shall be."

Section 9, lines 4 and 5, strike out the words "assessment that any member neglects or refuses to pay assessment," and insert the word "assessments;" line 14, strike out the word "prevent," and insert the word "preclude." After the word "them," same line, insert the word "from." Line 16, after the word "prevent," insert the words "the collection of."

Section 12, line 7, strike out the words "and their policies."

Same section, line 16, strike out the words "or do any requirement." Strike out the words "contained in," same line, and insert in lieu thereof the words "required by."

Section 14, line 6, strike out the words "or villages."

Section 15, line 2, strike off "s," in the word "regulations;" line 3, after the word "members," insert the word "by," and make the word "vote," following, "to read votes."

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Selkreg
Bixby	Hammond	Robertson	Sprague
Cole	Jacobs	St. John	Wagstaff
Coleman	Loomis	Sayre	Woodin
Emerson	Moore		

18

FOR THE NEGATIVE.

Bradley	Kennaday	Schoonmaker	Vedder
Carpenter	Lamont	Starbuck	Wagner
Doolittle	McCarthy	Tobey	Wellman
Harris	Prince		

14

*Ordered*, That the Clerk return said bill to the Assembly with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act relating to the coroners of the city and county of New York, their duties and compensation," with a message that they had concurred in the passage of the same, with the following amendments:

Strike out section 4, engrossed bill, and insert in lieu thereof:

"§ 4. It shall be the duty of the board of estimate and apportionment of said city from time to time, as said board may determine, to fix the compensation to be paid to the physicians appointed as in this statute directed, for performing the duties herein provided, and to determine the number so to be appointed. The compensation to be paid to such physician shall not in any one year exceed in the aggregate the sum of ten thousand dollars, the same to be apportioned between the physicians so appointed by the Comptroller according to the service rendered."

Strike out section 6 and insert the following:

"§ 6. The board of coroners shall appoint a clerk to act as secretary or clerk thereto during the pleasure of the board, and at an annual salary of fifteen hundred dollars."



Strike out section 7 and insert the following:

"§ 7. There shall continue to be four coroners in the said city and county of New York."

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	Moore	Selkreg	
Bradley	Gerard	Morrissey	Sprague	
Carpenter	Hammond	Prince	Vedder	
Cole	Kennaday	Robertson	Wagner	
Coleman	Loomis	St. John	Wellman	
Doolittle	McCarthy	Sayre	Woodin	24

FOR THE NEGATIVE.

Jacobs	Schoonmaker	Starbuck	Wagstaff	
Lamont				5

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the concurrent resolution proposing an amendment to article 2 of the Constitution, with a message that they had adopted the same with the following amendment:

§ 1. Strike out all after the word "election," at beginning of line 5, down to the word "shall," in line 6, and insert the words "and for the last four months a resident of the county, and for the last thirty days a resident of the election district in which he may offer his vote."

The President put the question whether the Senate would concur in said amendment, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Carpenter	Harris	Prince	Tobey	
Cole	Kennaday	Robertson	Vedder	
Coleman	McCarthy	St. John	Wagner	
Doolittle	Moore	Selkreg	Wellman	
Emerson	Morrissey	Sprague	Woodin	20

FOR THE NEGATIVE.

Jacobs	Schoonmaker	Starbuck		3
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly sent for concurrence the bills entitled as follows:

"An act to amend chapter 24 of the Laws of 1846, entitled 'An act to provide for the public printing,' passed March 5, 1846," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public printing.

"An act relative to public instruction in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to provide ways and means for the support of government," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Harris, and by unanimous consent, the rules were suspended; and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Jacobs	Prince	Starbuck
Bixby	Kennaday	Robertson	Tobey
Carpenter	Lamont	St. John	Vedder
Cole	Loomis	Sayre	Wagner
Coleman	McCarthy	Schoonmaker	Wagstaff
Gerard	Moore	Selkreg	Wellman
Harris	Morrissey	Sprague	Woodin
			28

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to provide for the appointment and compensation of the medical superintendents and assistant physicians of certain county and city asylums, and to prescribe their duties."

Assembly, "An act entitled 'An act to authorize a recovery at law for certain printing done for, and stationery furnished to the boards of aldermen and assistant aldermen in the city of New York.'"

Assembly, "An act to provide for the introduction of an improved system of steam towage upon the canals of the State."

After some time spent therein, the President resumed the chair, and Mr. Jacobs, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Jacobs, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend chapter 329 of the Laws of 1871, being an act to amend chapter 800 of the Session Laws of 1866, relative to the taking of lands for the erection of school-houses, or making additions thereto."

Assembly, "An act to confer additional powers upon the State assessors."

"An act to amend chapter 173 of the Laws of 1875, entitled 'An act to provide for the better care of pauper and destitute children.'"

After some time spent therein, the President resumed the chair, and Mr. Prince, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Prince, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Jacobs moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Harris	Loomis	Schoonmaker	
Bixby	Jacobs	McCarthy	Starbuck	
Bradley	Kennaday	Morrissey	Wagstaff	
Coleman	Lamont	St. John	Woodin	16

## FOR THE NEGATIVE.

Cole	Hammond	Robertson	Vedder	
Doolittle	Moore	Selkreg	Wellman	
Gerard	Prince	Sprague		11

Mr. Kennaday moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bill entitled as follows:

"An act to amend chapter 320 of the Laws of 1872, entitled 'An act to amend an act relating to the rates of wharfage on canal boats and to regulate piers, wharves, bulk-heads and slips in the cities of New York and Brooklyn,' passed May 6, 1870."

After some time spent therein, the President resumed the chair, and Mr. Vedder, from said committee, reported progress on the said named bill, and asked and obtained leave to sit again.

On motion of Mr. Cole, the Senate adjourned.

## WEDNESDAY, MAY 23, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

On motion of Mr. Robertson, the reading of the journal of yesterday was dispensed with.

The Assembly bill entitled "An act to authorize the trustees of the corporation of the village of Portageville, county of Wyoming, to cause an assessment to be made of the taxable property of said corporation, and to be levied and collected a tax sufficient to pay the indebtedness of said corporation," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Harris	Moore	Schoonmaker
Bradley	Jacobs	Morrissey	Tobey

Carpenter	Kennaday	Prince	Vedder	20
Doolittle	Lamont	Robertson	Wagner	
Emerson	Loomis	Sayre	Wellman	

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act in relation to the repaving and improvement of Fourth street, from Division avenue to Grand street, in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Harris	Moore	Selkreg	20
Bradley	Jacobs	Morrissey	Tobey	
Carpenter	Kennaday	Prince	Vedder	
Doolittle	Loomis	Robertson	Wagner	
Emerson	McCarthy	Schoonmaker	Wellman	

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 440 of the Laws of 1873, entitled 'An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Harris	McCarthy	Sprague	21
Bradley	Jacobs	Moore	Vedder	
Cole	Kennaday	Morrissey	Wagner	
Doolittle	Lamont	Robertson	Wagstaff	
Gerard	Loomis	Sayre	Wellman	
Hammond				

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The concurrent resolution proposing an amendment to section 6 of article 3 of the Constitution, in the words following:

"*Resolved* (if the Assembly concur), That section 6 of article 3 of the Constitution be amended so as to read as follows :

§ 6. Each member of the Legislature shall receive for his services an annual salary of \$1,000. The members of either house shall also receive the sum of one dollar for every ten miles they shall travel in going to and returning from their place of meeting once in each session, on the most usual route. Senators, when the Senate alone is convened in extraordinary session, or when serving as members of the court for the trial of impeachments, and such members of the Assembly, not exceeding nine in number, as shall be appointed managers of an impeachment, shall receive an additional allowance of ten dollars a day.

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that in conformity to section 1 of article 13 of the Constitution, it be published for three months previous to the time of such election," was read a third time.

The President put the question whether the Senate would agree to the final passage of said resolution, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bradley	Hammond	Moore	Selkreg	
Carpenter	Lamont	St. John	Starbuck	
Doolittle	Loomis	Sayre	Woodin	12

## FOR THE NEGATIVE.

Bixby	Kennaday	Schoonmaker	Wagner	
Gerard	McCarthy	Sprague	Wagstaff	
Harris	Morrissey	Vedder	Wellman	
Jacobs	Robertson			14

Mr. Lamont moved to reconsider the vote by which said resolution was lost, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act relative to public instruction in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin moved that said bill be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Assembly bill entitled "An act to amend titles 6 and 9 of an act entitled "An act to revise the charter of the city of Buffalo," passed April 28, 1870," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Harris	Prince	Sprague	
Bixby	Jacobs	St. John	Vedder	
Carpenter	Kennaday	Sayre	Wagner	
Cole	Loomis	Schoonmaker	Wagstaff	
Doolittle	McCarthy	Selkreg	Wellman	
Emerson	Morrissey			22

*Ordered*, That the Clerk return said bill to the Assembly with a message informing that the Senate have concurred in the passage of the same.

Mr. Woodin, from the committee on the affairs of cities, to which was recommitted the bill entitled "An act to provide for the determination and payment of claims for goods, merchandise and material furnished

and labor performed in fitting up and furnishing the armories and drill-rooms in the city of New York," as amended in the Assembly, reported in favor of the passage of the same (Messrs. Woodin, Carpenter and Morrissey dissenting).

Mr. Woodin moved that said bill be recommitted to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Prince moved to take from the table the bill entitled "An act to authorize the police department or board of police of any city to appoint policemen of district telegraph companies."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to reconsider the vote by which said bill was passed, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Gerard	Robertson	Tobey
Bixby	Harris	Schoonmaker	Vedder
Bradley	Kennaday	Selkreg	Wagstaff
Cole	Morrissey	Sprague	Wellman
Doolittle	Prince	Starbuck	

20

On motion of Mr. Prince, and by unanimous consent, said bill was amended as follows:

Section 1, line 3, printed bill, strike out the word "two" and insert the word "one." Same line, strike out the words "who may be designated by" and insert the words "when requested in writing by."

Section 3, line 1, strike out the word "pay" and insert the word "compensation." Line 2, after the word "patrolmen" insert the words "shall be fixed by said police department at a rate not exceeding sixty dollars per month."

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Jacobs	Morrissey	Sprague
Carpenter	Kennaday	Prince	Tobey
Cole	Lamont	Robertson	Vedder
Coleman	Loomis	St. John	Wagner
Gerard	McCarthy	Schoonmaker	Wagstaff
Harris	Moore	Selkreg	Wellman

24

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act entitled 'An act respecting elections other than for militia and town officers,' passed April 5, 1842, as amended by chapter 698 of the Laws of 1872," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Jacobs	Robertson	Tobey
Carpenter	Kennaday	St. John	Vedder
Cole	Loomis	Schoonmaker	Wagner
Coleman	McCarthy	Selkreg	Wagstaff
Doolittle	Moore	Sprague	Wellman
Harris			

21

FOR THE NEGATIVE.

Morrissey Prince

2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

On motion of Mr. Sprague, and by unanimous consent, the rules were suspended, and the committee of the whole was discharged from the further consideration of the Assembly bill entitled "An act to incorporate the Buffalo Pipe Line Company," and the same was ordered to a third reading.

Said bill having been announced for a third reading, on motion of Mr. Sprague, and by unanimous consent, said bill was amended as follows:

Section 1, line 6, strike out the word "Buffalo," and insert the words "Erie county."

Section 7, after the word "road," in line 3, insert the words "railroad or plank-road."

Amend title so as to read "An act to incorporate the Erie County Pipe Line Company."

Said bill was then read a third time.

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Gerard	Loomis	Schoonmaker
Bixby	Hammond	Moore	Selkreg
Bradley	Harris	Morrissey	Sprague
Carpenter	Jacobs	Robertson	Tobey
Coleman	Kennaday	St John	Vedder
Doolittle	Lamont	Sayre	Woodin

24

FOR THE NEGATIVE.

Starbuck

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Wagner, from the committee on public printing, to which was referred the Assembly bill entitled "An act to amend chapter 24 of the Laws of 1846, entitled 'An act to provide for the public printing,' passed March 5, 1846," reported in favor of the passage of the same, with amendments.

On motion of Mr. Harris, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act further to amend chapter 12 of Laws of 1872, entitled "An act prescribing the officers and employes that may

be elected, appointed or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulate the proceedings of investigating committees," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was recommitted the bill entitled "An act appropriating money to pay certificates heretofore drawn by Canal Commissioners," reported that the committee have had the same under consideration, and recommend that the Senate concur in the amendments of the Assembly to said bill as follows:

Strike out all after the enacting clause and insert as follows:

SECTION 1. The Comptroller of the State of New York is hereby directed to draw his warrants upon the Treasurer in amounts sufficient to pay to the parties entitled to receive the same, the sums due on the following described certificates, drawn by Canal Commissioners of the middle division of the canals upon the Comptroller, namely:

One dated May 23, 1876, for two thousand three hundred and fifty-one dollars and seventy cents, and one of same date for two hundred and seventy-two dollars, both signed by C. A. Walrath, Canal Commissioner, and both for removing bars and dredging the channel of Cayuga inlet; one dated June 10, 1875, for two thousand two hundred and ten dollars, and one dated July 12, 1875, for four thousand and sixty-three dollars, the last two signed by R. W. Stroud, Canal Commissioner; one dated January 4, 1876, for four thousand seven hundred and eighty dollars; one dated January 4, 1876, for eleven thousand and fifty dollars, and one dated December 14, 1876, for five hundred and fifty-two dollars and forty-eight cents, the last three certificates signed by C. A. Walrath, Canal Commissioner, and the last five certificates named above being for removing obstructions from the outlet of Cayuga lake and the channel of Seneca river; and the sum of twenty-five thousand and two hundred and sixty-nine dollars and eighteen cents is hereby appropriated out of any funds in the treasury not otherwise appropriated to pay such warrants; of which sum two thousand six hundred and twenty-three dollars and seventy cents remain unpaid because of the lapse of time under the original appropriation which was made by section two, chapter three hundred and twenty-three of the Laws of 1874; and twenty thousand two hundred and fifty nine dollars thereof remain unpaid because of the lapse of time under the original appropriation which was made by chapter 760 of the Laws of 1873.

§ 2. This act shall take effect immediately.

Amend the title so as to read "An act appropriating money to pay certificates heretofore drawn by Canal Commissioners."

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Schoonmaker
Bradley	Gerard	Moore	Selkreg
Carpenter	Harris	Morrissey	Starbuck
Cole	Jacobs	Robertson	Wagner
Coleman	Kennaday	St. John	Wellman
Doolittle	Lamont		



*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The bill entitled "An act to provide for the disposition and sale of certain lateral canals of this State, and the lands, rights and other property connected therewith," being announced for a third reading,

On motion of Mr. Sayre, and by unanimous consent, said bill was amended as follows:

Insert after the word "of," line 10, printed bill, the following: "Nor shall the water of said reservoirs necessary to feed the Erie canal be permanently diverted from the channels hitherto used, but a supply of water for the uses of the State Lunatic Asylum at Utica shall at all times be maintained by the canal authorities."

Mr. Selkreg moved that said bill be recommitted to the committee on canals, with instructions to amend as follows:

Insert as section 12 the following:

§ 12. This act shall not apply to such portions of the canals mentioned herein as have heretofore been, by the Legislature of this State or by the Commissioners of the Land Office, granted or conveyed to any person or persons, corporation, village or city; and all grants or conveyances so made are hereby ratified and confirmed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Cole, from the committee on canals, to which was referred the said bill, reported that they have made the amendments thereto, as instructed, and have directed their chairman to report the same to the Senate.

Mr. Hammond moved that said bill be recommitted to the committee on canals, with instructions to amend as follows:

Section 7, line 3, printed bill, strike out the words "other than those mentioned in section four of this act." Insert after the word "appraised," in line 4, the following: "and in cases where it shall appear that the title of the State to such lands was acquired by grant or otherwise from the owner or owners, and without the payment of any consideration therefor, such owner or owners, their heirs and assigns, of the property adjoining, and from which the same has been taken."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Cole, from the committee on canals, to which was referred the said bill, reported that the committee have made the amendments thereto as instructed, and have directed their chairman to report the same to the Senate.

Mr. Bradley moved that said bill be recommitted to the committee on canals, with instructions to amend as follows:

Section 1, line 1, strike out the words "shall at and." Line 2, after the word "specified," insert the word "may." Line 4, after the word "State," insert the words "after so abandoned and discontinued."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Cole, from the committee on canals, to which was referred the said bill, reported that the committee have made the amendments thereto as instructed, and have directed their chairman to report the same to the Senate.

Mr. Bradley moved that said bill be recommitted to the committee on canals, with instructions to amend as follows:

Section 2, line 11, printed bill, strike out the word "seventy-seven," and insert the word "seventy-eight."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Bradley moved that said bill be recommitted to the committee on canals, with instructions to amend as follows :

Section 3, line 8, after the word "act," strike out the words "also the Chemung canal and its feeders, branches, appurtenances and water privileges," and insert them at the end of the section."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Starbuck moved to reconsider the vote by which said bill, on motion of Mr. Bradley, was recommitted to the committee on canals, with instructions to amend the first section.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion of Mr. Bradley, and it was decided in the negative.

On motion of Mr. Bradley, and by unanimous consent, said bill was amended by striking out in section 2, lines 10 and 11, the words "thirtieth day of September," and inserting the words "close of navigation."

Mr. Bradley moved that said bill be recommitted to the committee on canals, with instructions to amend as follows :

Add at the end of section 3 : " When the Chemung canal shall cease to be used as such, the water power, rights and privileges on the Chemung river, so far as they were taken and appropriated for the purposes of the canal, shall revert to the person or persons from whom they were taken, or to their successors in interest, and in any sale of that canal such rights shall be reserved."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Cole, from the committee on canals, to which was referred the said bill, reported that the committee have made the amendments thereto, as instructed, and have directed their chairman to report the same to the Senate.

On motion of Mr. Bradley, and by unanimous consent, said bill was amended as follows :

Section 3, line 5, after the word "therewith," insert as follows : " Provided the hydraulic action and the natural flow of the outlet of said lake shall not be diverted or changed ; any of the provisions in this act to the contrary notwithstanding."

Mr. Schoonmaker moved to reconsider the vote by which said bill, on motion of Mr. Selkreg, was recommitted to the committee on canals, with instructions to amend by inserting new section twelve.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question upon the motion of Mr. Selkreg to recommit, and it was decided in the negative.

Mr. Sprague moved to reconsider said vote.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Harris	Prince	Sprague
Cole	Kennaday	Robertson	Starbuck
Coleman	Loomis	St. John	Tobey
Doolittle	McCarthy	Sayre	Wagner
Gerard	Moore	Schoonmaker	Wagstaff
Hammond	Morrissey		

22

FOR THE NEGATIVE.

Bradley	Lamont	Vedder	Woodin
Emerson	Selkreg	Wellman	

7

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

A message was received from the Governor in the words following :

Whereas, I have received from the Senate a preamble and resolution in the words and figures following, that is to say :

“ STATE OF NEW YORK — IN SENATE, }  
ALBANY, May 22, 1877. ” }

“ *Whereas*, The testimony taken in the matter of the charges against De Witt C. Ellis, the Superintendent of the Banking Department, will not be printed in time for the use of the Senate during its present legislative session ; and,

“ *Whereas*, It is deemed important that the case be considered and disposed of as soon as practicable ; therefore,

“ *Resolved*, That his Excellency the Governor be and he is hereby requested to convene the Senate in extraordinary session immediately upon the final adjournment of the Legislature.

“ By order.

H. A. GLIDDEN, *Clerk*.”

Now, therefore, in accordance with the request of the Senate, and in pursuance of the power and authority vested in me by the Constitution, I hereby respectfully require the Senate to convene in extraordinary session at the Capitol in the city of Albany, immediately after the final adjournment of the Legislature, for the purpose in said preamble and resolution mentioned, and for the transaction of such other business as I may find it necessary to bring before it.

In witness whereof, I have hereunto signed my name and affixed the privy seal of the State at the Capitol, in the city of Albany, this Wednesday, the twenty-third day of May, one thousand eight hundred and seventy-seven.

L. ROBINSON.

By the Governor.

D. C. ROBINSON, *Private Secretary*.

Mr. Hammond moved that the Senate hold an executive session at two o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Prince moved that the ninth joint rule be suspended.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Lamont	St. John	Tobey
Gerard	Morrissey	Schoonmaker	Wagstaff
Hammond	Prince	Selkreg	

11

## FOR THE NEGATIVE.

Carpenter	Harris	Robertson	Vedder
Cole	Kennaday	Sayre	Wagner
Coleman	Loomis	Spragne	Wellman
Doolittle	McCarthy	Starbuck	Woodin
Emerson	Moore		

18

The Assembly bill entitled "An act authorizing the taxation of stockholders of banks, and the surplus funds of savings banks," being announced for a third reading,

On motion of Mr. Wellman, and by unanimous consent, said bill was amended as follows:

Mr. Wellman moved that said bill be recommitted to the committee on banks with instructions to amend as follows:

Line 8, section 2, strike out the words "taxable liability" and insert in lieu thereof the words "valuation or assessment."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Coleman, from the committee on banks, to which was referred the said bill, reported that the committee have made the amendments thereto as instructed, and have directed their chairman to report the same to the Senate.

Mr. Hammond moved that said bill be recommitted to the committee on banks with instructions to amend as follows:

Section 2, line 2, after the word "manner," insert the words "as now provided by law."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

On motion of Mr. Wellman, and by unanimous consent, said bill was amended as follows:

Line 8, section 2, strike out the words "provided that."

Mr. St. John moved to strike out all the amendments made by the Senate, and that the bill be restored as it originally came from the Assembly.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Kennaday	Robertson	Sprague
Bixby	Loomis	St. John	Wagner
Doolittle	Morrissey	Selkreg	Wagstaff
Gerard			

13

## FOR THE NEGATIVE.

Bradley	Harris	Moore	Tobey
Carpenter	Jacobs	Prince	Vedder
Coleman	Lamont	Sayre	Wellman
Hammond	McCarthy	Schoonmaker	Woodin

16

On motion of Mr. Schoonmaker, and by unanimous consent, said bill was amended as follows :

Strike out the words "except as hereinafter provided," and insert the word "but."

Mr. Vedder moved that said bill be recommitted to the committee on banks, with instructions to amend as follows : " But no real estate owner shall be taxed on his or her real estate in any manner other than is herein prescribed for the taxation of said shareholders of banks or banking associations."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Carpenter	Jacobs	Robertson	Tobey
Cole	Kennaday	Schoonmaker	Wagstaff
Coleman	Prince	Sprague	Wellman
Harris			

13

FOR THE NEGATIVE.

Baaden	Gerard	Morrissey	Starbuck
Bixby	Hammond	St. John	Vedder
Bradley	McCarthy	Sayre	Wagner
Doolittle	Moore	Selkreg	Woodin

16

Mr. Jacobs moved to reconsider the vote by which said bill was lost, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Baaden	Jacobs	Robertson	Sprague
Bixby	Kennaday	St. John	Tobey
Carpenter	Morrissey	Schoonmaker	Wagstaff
Coleman	Prince	Selkreg	Wellman
Harris			

17

FOR THE NEGATIVE.

Bradley	Hammond	Sayre	Wagner
Cole	McCarthy	Starbuck	Woodin
Doolittle	Moore	Vedder	

11

On motion of Mr. Robertson, and by unanimous consent, the rules were suspended and the Senate, in open executive session, confirmed the nominations of certain notaries public.

On motion of Mr. McCarthy, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act further to amend chapter 12 of the Laws of 1872, entitled 'An act prescribing the officers and employes that may be elected, appointed or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees and providing for the payment of the expenses thereof,'" was ordered to a third reading.

On motion of Mr. Robertson, the Senate took a recess until four o'clock.

## FOUR O'CLOCK, P. M.

The Senate again met.

On motion of Mr. Cole, and by unanimous consent, the rules were suspended and the committee of the whole was discharged from the further consideration of the Assembly bill entitled "An act in relation to the Manual Labor School upon the Tonawanda Reservation," and the same was ordered to a third reading.

A message from the Assembly was received and read, as follows :

IN ASSEMBLY, *May 18, 1877.*

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act further to amend the charter of the city of Rochester."

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. J. S. Graham, and by unanimous consent, the same was amended as follows :

§ 77. Mount Hope cemetery shall hereafter be under the control and management of a board of nine trustees, who shall be appointed by the mayor upon the passage of this act, who shall be divided in three classes, and the first class shall hold office until the first Monday of May, 1878; and the second class until the first Monday of May, 1879, and the third class until the first Monday of May, 1880. During the month of April, in each year, the mayor shall appoint three trustees, who shall succeed to the trusteeship of those whose terms of office shall expire on the following first Monday of May, and who shall hold office for three years next ensuing. Any vacancy occurring by death or resignation shall be filled by the mayor for the expiration of such term. All trustees shall be residents of the city of Rochester and lot owners in said cemetery. No person shall be appointed who holds by appointment or election any municipal office. The said trustees shall receive no compensation for their services.

§ 78. After the "first Monday in April," substitute "May" for "April."

§ 80. Strike out "10," and insert "20." Also strike out "president of the board of trustees," and insert "mayor."

And as amended passed, and ordered sent to the Senate for concurrence.

By order.

EDWARD M. JOHNSON, *Clerk.*

The President put the question whether the Senate would agree to reconsider the vote by which said bill was passed, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Birby	Gerard	Morrissey	Selkreg
Carpenter	Harris	Prince	Tobey
Cole	Jacobs	Robertson	Wagner
Doolittle	McCarthy	Sayre	Wellman
Emerson	Moore		

18

Mr. Emerson moved that said bill be referred to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the bill entitled "An act to authorize the Canal Board to close the feeder of the Erie canal at Rochester," with a message that they had concurred in the passage of the same, with the following amendment:

Insert as section 2 the following :

§ 2. In case the said Canal Board shall determine to close said feeder they may convey to the owners of the real estate adjacent to said feeder the fee to the land now occupied by said feeder, upon the condition in each case that said feeder shall be filled to the level of the surrounding land by the grantee or grantees in said conveyance named, and that the said grantee or grantees shall release and acquit the State of New York from all claims or demands that they may have against the said State, arising from the closing of said feeder."

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bixby	Gerard	Prince	Tobey
Bradley	Jacobs	Robertson	Vedder
Carpenter	Kennaday	St. John	Wagner
Cole	McCarthy	Sayre	Wagstaff
Coleman	Moore	Sprague	Wellman
Doolittle	Morrissey	Starbuck	Woodin
Emerson			

25

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act to amend the charter of the city of Brooklyn, and the various amendments thereof, passed June 28, 1873, and to further amend the charter of the city of Brooklyn, as amended by an act for that purpose, passed June 1, 1874, and as further amended by an act for that purpose entitled 'An act to amend the charter of the city of Brooklyn,' being the act for that purpose, passed June 28, 1873, and the act for that purpose passed June 1, 1874, passed June 21, 1875," reported in favor of the passage of the same, with amendments.

On motion of Mr. Jacobs, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	Sprague
Bixby	Harris	Moore	Starbuck
Carpenter	Jacobs	Prince	Tobey
Coleman	Kennaday	Robertson	Wagner
Doolittle	Lamont	Sayre	Wellman
Emerson	Loomis		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly sent for concurrence the bill entitled as follows:

"An act to amend an act entitled 'An act to amend an act entitled An act to incorporate the village of Chateaugay, in the county of Franklin, passed May 3, 1869; passed April 27, 1870,' which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Moore, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

The hour of half-past four o'clock having arrived,

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows:

Assembly, "An act to organize the Senate districts, and for the apportionment of the Members of Assembly of this State."

After some time spent therein the President resumed the chair, and Mr. Prince, from said committee, reported progress on the said named bill, and asked leave to sit again.

Mr. Woodin moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin moved that said bill be recommitted to the committee on apportionment, with instructions to substitute Senate bill and report immediately.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin, from the special committee on apportionment, to which was referred said bill, reported that the committee have made amendments thereto, and directed their chairman to report the same to the Senate.

The Assembly bill entitled "An act for the relief of Amelia Harvard and others, grandchildren of Mary Ann Harvard, deceased," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Harris	Prince	Tobey
Bixby	Jacobs	Robertson	Vedder
Bradley	Kennaday	St. John	Wagner
Carpenter	Lamont	Schoonmaker	Wagstaff
Doolittle	Loomis	Sprague	Wellman
Emerson	Morrissey	Starbuck	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to revise the charter of the city of Buffalo,' passed April 28, 1870," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:



## FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	Selkreg
Bixby	Hammond	Moore	Sprague
Carpenter	Harris	Prince	Vedder
Cole	Jacobs	Robertson	Wagner
Coleman	Kennaday	St. John	Wellman
Doolittle	Loomis	Sayre	Woodin
Emerson			

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize a recovery at law for certain printing done for, and stationery furnished to the boards of aldermen and assistant aldermen in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Vedder
Bixby	Gerard	Robertson	Wagner
Carpenter	Hammond	St. John	Wagstaff
Cole	Jacobs	Sprague	Wellman
Doolittle	Kennaday	Tobey	Woodin

20

## FOR THE NEGATIVE.

Harris

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to the repairing of streets, south of Fourteenth street, in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Tobey
Bixby	Gerard	Moore	Vedder
Carpenter	Harris	Morrissey	Wagner
Cole	Jacobs	St. John	Wagstaff
Coleman	Kennaday	Selkreg	Wellman
Doolittle	Loomis		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to authorize the board of education of Union Free School District No. 1, of the town of Ellicott, Chau-

tauqua county to employ a superintendent and fix the time of holding their annual school meeting," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Morrissey	Starbuck
Bixby	Gerard	Robertson	Tobey
Carpenter	Harris	St. John	Vedder
Cole	Jacobs	Sayre	Wagner
Coleman	Kennaday	Schoonmaker	Wagstaff
Doolittle	Loomis	Selkreg	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to provide for the introduction of an improved system of steam towage upon the canals of the State," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate, voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Tobey
Bradley	Hammond	Moore	Vedder
Carpenter	Harris	Morrissey	Wagner
Cole	Jacobs	Schoonmaker	Wagstaff
Doolittle	Kennaday	Selkreg	Wellman
Emerson	Loomis	Sprague	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to amend chapter 173 of the Laws of 1875, entitled 'An act to provide for the better care of pauper and destitute children,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Kennaday	Morrissey	Starbuck
Bixby	Lamont	St. John	Wagstaff
Bradley	Loomis	Schoonmaker	Woodin
Jacobs	McCarthy		

14

## FOR THE NEGATIVE.

Carponter	Emerson	Robertson	Vedder
Cole	Gerard	Selkreg	Wagner
Coleman	Hammond	Sprague	Wellman
Doolittle	Moore	Tobey	

15

The bill entitled "An act to repeal chapter 556 of the Laws of 1871, entitled 'An act relating to Queens County Railway Company,' and to repeal the first section of chapter 633 of the Laws of 1872, entitled 'An act relating to the Queens County Railway Company,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Starbuck
Bixby	Jacobs	Morrissey	Tobey
Carpenter	Kennaday	Schoonmaker	Wagner
Coleman	Loomis	Sprague	Wagstaff
Doolittle	McCarthy		

18

## FOR THE NEGATIVE.

Robertson	St. John		
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2

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend section 3, article 2, title 6, chapter 6, part 1 of the Revised Statutes in relation to the election of President and Vice-President," having been announced for a third reading,

Mr. Schoonmaker moved that said bill be recommitted to the committee on the judiciary with instructions to amend so as to provide for the election of all the presidential electors by districts.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Jacobs	Loomis	Schoonmaker
Gerard	Kennaday	Morrissey	Starbuck
Hammond	Lamont	St. John	Wagstaff

12

## FOR THE NEGATIVE.

Baaden	Doolittle	Robertson	Vedder
Bradley	Emerson	Selkreg	Wagner
Carpenter	McCarthy	Sprague	Wellman
Cole	Moore	Tobey	Woodin
Coleman			

17

Said bill was then read a third time.

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Prince	Tobey
Carpenter	Emerson	Robertson	Wagner
Cole	McCarthy	Selkreg	Wellman
Coleman	Moore	Sprague	Woodin

16

## FOR THE NEGATIVE.

Bixby	Hammond	Loomis	Schoonmaker
Bradley	Kennaday	Morrissey	Starbuck
Gerard	Lamont	St. John	Wagstaff

12

Mr. Moore moved to reconsider the vote by which said bill was lost, and that said motion be laid on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to amend chapter 329 of the Laws of 1871, being an act to amend chapter 800 of the Session Laws of 1866, relative to the taking of lands for the erection of school-houses, or making additions thereto," having been announced for a third reading,

On motion of Mr. Harris, and by unanimous consent, said bill was amended as follows:

Insert a section to the effect "Nothing in this act shall affect any suit now pending."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Tobey
Bixby	Gerard	Morrissey	Vedder
Carpenter	Harris	St. John	Wagner
Cole	Lamont	Schoonmaker	Wagstaff
Coleman	Loomis	Sprague	Woodin
			20

#### FOR THE NEGATIVE.

Prince

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

By unanimous consent, Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to amend chapter 436 of the Laws of 1872, entitled 'An act relative to the setting of fykes and other nets in Harlem and East rivers,'" reported that the committee have had the same under consideration, and have directed their chairman to report the bill for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Tobey, from the committee on insurance, to which was referred the Assembly bill entitled "An act to authorize the formation of a mutual insurance company in the towns of Catskill and Athens in the county of Greene," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly bill entitled "An act for the preservation of life at bathing places," having been announced for a third reading,

On motion of Mr. Kennaday, and by unanimous consent, said bill was amended as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. Whenever any keeper or proprietor of a hotel shall erect and maintain for use a bathing-house or houses upon any beach or shore of the ocean for the accommodation of his guests, or whenever any person shall for the accommodation of the guests of a hotel, keep, maintain and occupy any such bathing-house or houses, such keeper or proprietor shall make such provisions for the safety of said bathers as are herein provided. He shall provide two life-lines of sound, strong and service

able manilla or hemp rope, not less than one inch in diameter, which shall be anchored at some point above high water, at the same distance apart as the line of bathing-houses or space fronting on said beach occupied by them is in width. From the two points at which the said life lines are anchored as above prescribed, the keeper or proprietor of said bathing-houses shall extend the said lines as far into the surf as bathing is ordinarily safe and free from danger of drowning to persons not expert in swimming, and shall at such points of safety anchor and buoy the said lines. From the two points of said lines so extended, anchored and buoyed in the surf, a third line shall be extended, connecting the two extremities and buoyed at such points as to be principally above the surface of the water, thereby inclosing a space within the said lines and the beach, within which space bathing is believed to be safe.

§ 2. The keeper or proprietor of the said bathing-houses shall cause to be painted and erected in some prominent place upon the beach near the said bathing-houses, a notice with the following words: "Bathing beyond the lines dangerous."

§ 3. The said lines so anchored and buoyed, and the said notices so placed, shall continue and be maintained as aforesaid during the whole season of surf bathing.

§ 4. Whenever any such keeper or proprietor of said bathing-house or houses, shall refuse or neglect to provide and place said life-lines and notices as above provided, he shall be liable to a fine of twenty-five dollars, to be paid by the keeper or proprietor, for each and every day of such default, the said fine to be recoverable on complaint by any person before any justice of peace of the town or county in which such default shall take place; such fine so recovered shall be paid by said justice of peace, in the county of Kings, to the treasurer of the police pension fund of the city of Brooklyn, and in all other counties, to the treasurer thereof for the support of the poor therein.

§ 5. Nothing in this act shall be so construed as to make the owner of bathing-houses liable to its provisions, where the same shall be occupied pied, used or maintained by a lessee for hire.

§ 6. This act shall take effect immediately.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Hammond	Morrissey	Tobey
Bixby	Harris	Robertson	Wagner
Carpenter	Lamont	St. John	Wagstaff
Coleman	McCarthy	Selkreg	Wellman
Doolittle	Moore	Sprague	Woodin
Emerson			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

On motion of Mr. Woodin, and by unanimous consent, the Assembly bill entitled "An act to organize the Senate districts, and for the apportionment of the members of Assembly of this State," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Sprague
Bixby	Gerard	Morrissey	Wagner
Carpenter	Harris	Prince	Wagstaff
Cole	Jacobs	Robertson	Woodin
Coleman	McCarthy	St. John	

19

## FOR THE NEGATIVE.

Bradley	Loomis	Selkreg	Tobey
Kennaday	Sayre	Starbuck	Wellman
Lamont	Schoonmaker		

10

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to confer additional powers upon the State assessors," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Morrissey	Schoonmaker
Bixby	Gerard	Prince	Selkreg
Carpenter	Harris	Robertson	Starbuck
Cole	Jacobs	St. John	Tobey
Doolittle	Kennaday	Sayre	

19

## FOR THE NEGATIVE.

Sprague			
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1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act further to amend chapter 12 of the Laws of 1872, entitled 'An act prescribing the officers and employes that may be elected, appointed or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees and providing for the payment of the expenses thereof,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Sayre
Bixby	Gerard	McCarthy	Tobey
Carpenter	Harris	Moore	Velder
Cole	Jacobs	Prince	Wagner
Coleman	Kennaday	Robertson	Woodin
Doolittle	Lamont	St. John	

23

## FOR THE NEGATIVE.

Starbuck

1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend chapter 24 of the Laws of 1846, entitled 'An act to provide for the public printing,' passed March 5, 1846," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Morrissey	Sprague
Bixby	Gerard	Prince	Starbuck
Bradley	Harris	Robertson	Tobey
Carpenter	Jacobs	St. John	Vedder
Coleman	Kennaday	Sayre	Wagner
Doolittle	Lamont	Schoonmaker	

23

## FOR THE NEGATIVE.

Hammond

1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act to dispose of the surplus moneys in the hands of the commissioners for grading Franklin avenue, in the towns of Flatbush and New Utrecht," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Morrissey	Sprague
Bixby	Harris	Robertson	Tobey
Carpenter	Jacobs	St. John	Vedder
Cole	Kennaday	Sayre	Wagner
Coleman	Lamont	Schoonmaker	Wellman
Doolittle	McCarthy		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act to incorporate the village of Chateaugay, in the county of Franklin,' passed May 3, 1869, passed April 27, 1870," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Harris	Morrissey	Sprague
Bixby	Jacobs	Prince	Tobey
Bradley	Kennaday	Robertson	Vedder
Carpenter	Loomis	Sayre	Wagner
Cole	McCarthy	Schoonmaker	Wagstaff
Doolittle	Moore	Selkreg	Wellman
Emerson			

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act for the improvement of the navigation of the Hudson river, and to make an appropriation therefor," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Jacobs	Prince	Selkreg
Bixby	Kennaday	Robertson	Sprague
Carpenter	Lamont	St. John	Tobey
Coleman	Loomis	Sayre	Wagner
Gerard	Morrissey	Schoonmaker	Wagstaff
Harris			

21

## FOR THE NEGATIVE.

Bradley	Starbuck	Vedder	Wellman
Cole			

5

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide for the settlement of the floating debt of the village of Saratoga Springs," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Morrissey	Selkreg
Bixby	Gerard	Prince	Sprague
Bradley	Harris	Robertson	Tobey
Carpenter	Jacobs	St. John	Wagner
Cole	Kennaday	Schoonmaker	Wagstaff
Coleman	Lamont		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to the Manual Labor School upon the Tonawanda Reservation," was read a third time.



The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Robertson	Tobey
Bixby	Harris	St. John	Vedder
Carpenter	Jacobs	Sayre	Wagner
Cole	Kennaday	Selkreg	Wagstaff
Coleman	Moore	Sprague	Wellman
Doolittle	Morrissey	Starbuck	Woodin
Emerson	Prince		

26

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide for the appointment of patrolmen in and for the first collection district of the town of Watervliet, county of Albany," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Harris	Prince	Starbuck
Bixby	Jacobs	Robertson	Tobey
Carpenter	Kennaday	Sayre	Vedder
Cole	Loomis	Schoonmaker	Wagstaff
Doolittle	Moore	Selkreg	Wellman
Gerard	Morrissey		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Jacobs moved that hereafter no Senator be permitted to speak more than five minutes on any one subject.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Tobey the Senate took a recess until half-past seven o'clock, P. M. .

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## HALF-PAST SEVEN O'CLOCK P. M.

The Senate again met.

On motion of Mr. Selkreg, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act to confirm the election of village trustees in certain cases, and to provide for and determine by lot their respective terms of office," was ordered to a third reading.

The Assembly sent for concurrence the bills entitled as follows :

"An act to provide for the settlement of the floating debt of the village of Saratoga Springs," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Wagner, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

"An act to amend section 24 of chapter 260 of the Laws of 1838, entitled 'An act to authorize the business of banking,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

"An act to dispose of the surplus moneys in the hands of the commissioners for grading Franklin avenue, in the towns of Flatbush and New Utrecht," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Jacobs, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

"An act to provide for the appointment of patrolmen in and for the first collection district of the town of Watervliet, county of Albany," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Harris, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

"An act to repeal section 1, chapter 626, Laws of 1853, relating to the assessment of highway labor along the line of plank and turnpike roads," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend chapter 226 of the Laws of 1849, entitled 'An act to enforce the responsibility of stockholders in certain banking corporations and associations, as prescribed by the Constitution, and to provide for the prompt payments of demands against such corporations and associations,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

"An act to amend the provisions of the Revised Statutes in regard to the solemnization of marriages," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act for the improvement of the navigation of the Hudson river, and to make an appropriation therefor," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Harris, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

"An act to authorize the formation of a mutual insurance company in the towns of Catskill and Athens, in the county of Greene," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

"An act to organize the Senate districts, and for the apportionment of the members of Assembly of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on apportionment.

"An act to amend chapter 849 of the Laws of 1872, entitled 'An act to incorporate the Buffalo Catholic Institute,' which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Sprague, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

"An act to amend section 16 of title 7 of an act entitled 'An act to revise the charter of the city of Buffalo,' passed April 28, 1870, in rela-

tion to the payment of orders drawn upon local funds," which was read the first time, and by unanimous consent was also read the second time,

On motion of Mr. Sprague, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

"An act supplemental to an act entitled 'An act to further amend chapter 721 of the Laws of 1871, entitled An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' " which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Carpenter, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

"An act to authorize the common council of the city of Lockport to raise by tax and disburse money in altering, improving and repairing Protection Hook and Ladder Company No. 1, hook and ladder-house of said city of Lockport," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act in relation to the leasing of ferries in the city of New York," which read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That section 9 of article 8 of the Constitution, be amended so as to read as follows, by adding to said section the following:

§ 9. The permanent bonded debt of the city and county of New York shall at all times be kept within the sum of one hundred and fifty millions of dollars, and all bonds and stocks issued by said city and county which would increase said bonded debt beyond the limit above named, shall be void in both law and equity. It shall be a felony and punishable as such for any person to issue any bonds or stocks in the name of said city and county which would at any time increase said debt beyond the limit above named; which was read and referred to the committee on the affairs of cities.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act relative to public instruction in the city of New York."

"An act to provide for the determination and payment of claims for goods, merchandise and material furnished and labor performed in fitting up and furnishing armories and drill rooms in the city of New York."

Assembly, "An act to authorize railroad corporations to pay commutation money for highway labor to the commissioners of highways of towns."

After some time spent therein, the President resumed the chair, and Mr. Jacobs, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Jacobs, from the same committee, reported progress on the second named bill, and asked and obtained leave to sit again.

Mr. Jacobs, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Jacobs presented the following:

*To the Senate and Assembly:*

The committee of conference appointed to consider the matters in difference between the two houses upon the bill entitled "An act in relation to the salaries of the officers of the city of Brooklyn," report in favor of the following bill:

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The common council of the city of Brooklyn is hereby authorized to fix and regulate the salaries of the various officers, clerks and subordinates of the city of Brooklyn, and of all justices of the peace and the police justice, as well those fixed, as those not fixed by law; provided that the salaries severally applicable to each head of a department, commissioner, assessor, or justice holding office for a specified term, shall not be changed during the term of office of the person at the time being the head of a department, commissioner, assessor or justice, nor during the time intervening between the general election in said city, and the first day of January following.

§ 2. If the common council shall not have acted by the first day of January, eighteen hundred and seventy-eight, under the authority provided by the first section of this act, then the annual salaries or compensation for official services to be paid to the persons hereinafter named (subject to the restrictions contained in the first section of this act) shall be respectively as follows, until changed by the action of said common council:

To the mayor, six thousand dollars per annum.

To the comptroller, six thousand dollars per annum.

To the corporation counsel, six thousand dollars per annum.

To the treasurer, four thousand dollars per annum.

To the auditor, three thousand five hundred dollars per annum.

To the collector of taxes and assessments, five thousand dollars per annum.

To the registrar of arrears, four thousand dollars per annum.

To the president of the department of assessment, three thousand five hundred dollars per annum.

To each assessor, three thousand dollars per annum.

To the president of the board of health, four thousand dollars per annum.

To each alderman, one thousand dollars per annum.

To the president of the department of police and excise, five thousand dollars per annum.

To the commissioners of the department of police and excise, three thousand five hundred dollars each per annum.

To the president of the department of fire and buildings, five thousand dollars per annum.

To the commissioners of the department of fire and buildings, three thousand five hundred dollars each per annum.

To the president of the department of city works, five thousand dollars per annum.

To the commissioners of the department of city works, three thousand five hundred dollars each per annum.

To the president and commissioners of the department of parks, no salary.

To the superintendent of police, four thousand dollars per annum.

To the inspector of police, twenty-five hundred dollars per annum.

To the captains of police, two thousand dollars per annum.

To the sergeants of police, fifteen hundred dollars per annum.

To the detectives of police of five years service and over, as detectives, fifteen hundred dollars per annum, and the other detectives, twelve hundred dollars per annum.

To the patrolmen, eleven hundred dollars per annum.

To the police surgeons, one thousand two hundred and fifty dollars per annum.

To the drill captain, eighteen hundred dollars per annum.

To the doorman, eight hundred dollars per annum.

To the fire marshal, two thousand five hundred dollars per annum.

Provided that all patrolmen appointed after the passage of this act shall receive, during their first year of service, eight hundred and fifty dollars per annum, and thereafter such increase from time to time, as the common council may, upon the recommendation of the department of police and excise determine, but at no time shall the salary so paid, exceed the sum of eleven hundred dollars per annum.

§ 3. All firemen, engineers and drivers employed under the department of fire and buildings to be appointed after the passage of this act shall, during the first year of their service, receive each, a salary of eight hundred dollars per annum, and thereafter such increase, from time to time, as the common council may, upon the recommendation of the department of fire and buildings determine, but at no time shall the salary so paid, exceed the sum of one thousand dollars per annum.

§ 4. From and after the first day of January, eighteen hundred and seventy-eight, if the common council so direct, the office of counsel to the board of health and of the office of counsel to the department of police and excise shall be abolished, and the duties appertaining to said offices respectively, shall devolve upon the corporation counsel of the city.

§ 5. No officer or person who is paid a salary for his services from the city treasury, shall receive to or for his own use any fees, perquisites of office, commissions, percentage or moneys paid to him in his official capacity; but all fees, perquisites, commissions, percentages and moneys so paid and received by any such officer or person, shall be the property of the city, and shall be paid by him into the city treasury; and all moneys received for licenses or permits shall be paid into the treasury weekly, without deduction, by the department or officer receiving them. And every such officer or person who shall receive any fees, perquisites, commissions, percentages or other moneys which belong to the city and should be so paid into the treasury, shall, before he shall be entitled to receive or be paid his salary, make, under oath, a detailed statement and return to the comptroller, in such form as he may prescribe, showing the aggregate amount of all such moneys received by him since the last preceding statement and return, and shall produce a receipt showing the payment of such sum into the treasury. The comptroller may require any such officer or person to make such statement and return to him, if it be not made as herein provided, and examine any such officer or person under oath touching the amount of any fees, perquisites, commissions, percentages or moneys paid to or received by him in his official capacity.

§ 6. The provisions of this act shall not apply to any officers who, under the provisions of the Constitution, cannot have their fees, percentages or allowances increased or diminished during their present terms of

office; but said provisions shall apply to all of those hereafter elected or appointed to perform any service within the city of Brooklyn.

§ 7. This act shall take effect immediately.

Respectfully submitted.

JOHN C. JACOBS,  
JOHN R. KENNADAY,  
*Senate Committee.*

JOHN MCGROARTY,  
RICHARD MARVIN,  
DANIEL BRADLEY,  
JAMES G. TIGHE,  
ADRIAN M. SUYDAM,  
*Assembly Committee.*

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Loomis	St. John	
Bradley	Harris	Moore	Schoonmaker	
Carpenter	Jacobs	Morrissey	Selkreg	
Coleman	Kennaday	Prince	Starbuck	
Doolittle	Lamont	Robertson	Tobey	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference thereon.

The Assembly returned the bill entitled "An act to organize the Senate districts, and for the apportionment of the members of Assembly of this State," with a message that the Assembly do non-concur in the amendments of the Senate to said bill, and request a committee of conference thereon, and have appointed a committee on their part consisting of Messrs. Alvord, Hogeboom, Fish, Brill and Moller.

Mr. Woodin moved that a like committee be appointed on the part of the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee, Messrs. Woodin, Vedder and Kennaday.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have appointed a committee of conference thereon.

Mr. Prince presented the following:

*To the Senate and Assembly:*

The conference committee appointed by the Senate and Assembly on the matter in difference between said House and Senate on Assembly bill No. 60, entitled "An act to amend chapter 490 of the Laws of 1870, entitled 'An act to establish a police force in the county of Richmond,' passed April 28, 1870," respectfully report:

That they have met and fully and freely conferred on said matters and agree in recommending that said bill be passed in the following form:

AN ACT to amend chapter 497 of the Laws of 1870, entitled "An act to establish a police force in the county of Richmond."

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section 2 of chapter 497 of the Laws of 1870, entitled "An act to establish a police force in the county of Richmond," is hereby amended so as to read as follows:

§ 2. After the 1st day of July, 1877, the management and control of said department shall be vested in a board of five commissioners, to be known and designated "The board of commissioners of police for the county of Richmond." Said board shall be composed of the three commissioners in office on the 15th day of May, 1877, and of two additional commissioners to be appointed previous to July 1, 1877, by the county judge of said county and the members of the board of supervisors thereof, or a majority of them; said two additional commissioners to be residents of the two towns of said county, respectively, in which neither of the three commissioners in office on said May 15, 1877, resides, and to belong, one each, to the two great political parties, respectively, into which the people of said county are divided. Said two new commissioners shall decide by lot which shall hold office for the shorter term, and the one so drawing the shorter term shall hold office for one year after the expiration of the term of office of the one of the three commissioners in office on said May 15, 1877, having the longer time to serve, and the one drawing the longer term shall hold office for two years after such expiration. Hereafter, within ten days prior to the expiration of the term of office of any of said commissioners, the said county judge and supervisors, or a majority of them shall appoint his successor, who shall be a citizen of the town for which he is appointed, and shall belong to the same political party to which his predecessor belonged, at the time of his appointment, and shall hold his office for the term of five years, and until his successor shall be appointed and duly qualified. In case of the death, resignation or removal from the town or from office, or the inability to serve of any of said commissioners, during the term for which he is or shall be appointed, the vacancy shall be filled for the remainder of his term by the appointment of another citizen of the town of which such commissioner was a resident, belonging to the same political party to which his predecessor belonged at the time of his appointment, by said appointing board or a majority of them. The appointment of any such commissioner shall be in writing, signed by a majority of said appointing board, and shall be filed in the office of the clerk of said county; and said commissioners, before entering upon the duties of their office, shall severally take and subscribe the oath of office provided by the Constitution of this State, and file the same in the office of said county clerk. The said commissioners shall each receive the annual sum of \$300 as compensation for his services, and the president shall receive \$100 additional.

§ 2. Section four of said act is hereby amended so as to read as follows:

§ 4. The board of commissioners shall have the power to organize said police force in such manner and appoint such officers as they may deem for the best interest of said county, and the salary and compensation to be paid to the members of said police force and its officers shall be determined by said board of commissioners, and shall in no case exceed, for the captain, fourteen hundred dollars; chief clerk, six hundred dollars; sergeants each, one thousand dollars; patrolmen each, eight hundred dollars, and surgeon, six hundred dollars per annum; and such salaries and compensation shall be paid monthly, by the treasurer of said commissioners, out of the moneys to be raised as hereinafter provided for the maintenance and support of said board of police force.

§ 3. Section eleven of said act is hereby amended so as to read as follows:

§ 11. The said board of commissioners shall fix and determine the amount of any money necessary to be raised annually, as aforesaid, and shall, on or before the first day of December, in each year, state such amount in their certificate, in writing, to be delivered to said board of supervisors, and the sum therein stated shall be levied and collected and paid over, as hereinbefore directed; provided, however, that no more than the sum of thirty-five thousand dollars shall be levied and collected in any one year for the payment of said police force, and the annual expenses that may be incurred in the support of the said department. But nothing herein contained shall restrict the appointment and payment, as herein provided, of any men in addition to the thirty men first mentioned in section three of said act.

All of which is respectfully submitted.

L. B. PRINCE,  
S. H. HAMMOND,  
F. W. TOBEY,  
*Senate Committee.*

SAM. R. BRICK,  
J. B. MOREY,  
S. P. BOWEN,  
GEO. W. WEIANT,  
S. WILLIAMS,  
*Assembly Committee.*

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Gerard	Prince	Sprague
Bixby	Jacobs	Robertson	Starbuck
Bradley	Lamont	St. John	Wagner
Cole	McCarthy	Schoonmaker	Wellman
Coleman	Moore	Selkreg	Woodin
Doolittle	Morrissey		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference thereon.

The Assembly returned the bill entitled "An act to provide for the disposition and sale of certain lateral canals of this State, and the lands, rights and other property connected therewith," with a message that they had passed the same, with the following amendments:

Section 2, line 23, strike out the word "seven," in word "seventy-seven," and insert the word "eight."

Section 3, line 15, strike out the word "seven," in word "seventy-seven," and insert the word "eight."

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Hammond	Moore	Sprague
Bixby	Harris	Prince	Starbuck
Doolittle	Jacobs	Robertson	Wagner
Emerson	Kennaday	St. John	Woodin
Gerard	McCarthy	Schoonmaker	

19

#### FOR THE NEGATIVE.

Loomis	Selkreg	Wellman	3
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend section 16 of title 7 of an act entitled 'An act to revise the charter of the city of Buffalo, passed April 28, 1870, in relation to the payment of orders drawn upon local funds,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to legalize and authorize the town of Westchester, in the county of Westchester, to raise money to pay judgment against commissioner of Eastern boulevard."

"An act in relation to the appointment of a State agent for the guidance and employment of discharged convicts."

Assembly, "An act to amend the charter of the village of Edgewater."

After some time spent therein, the President resumed the chair, and Mr. Bradley, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Bradley, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Bradley, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Prince moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the Assembly bill entitled "An act to amend 'An act to amend the charter of the city of Brooklyn, and the various amendments thereof, passed June 28, 1873, and to further amend the charter of the city of Brooklyn,' as amended by an act for that purpose passed June 1, 1874, and as further amended by an act for that purpose entitled 'An act to amend the charter of the city of Brooklyn,' being the act for that purpose, passed June 28, 1873, and the act for that purpose passed June 1, 1874, passed June 21, 1875," with a message that they do non-concur in the amendments of the Senate made thereto, and request a committee of conference thereon, and have appointed a committee on their part consisting of Messrs. Bradley, McGroarty, Marvin, Suydam and Lyon.

Mr. Jacobs moved that a like committee be appointed on the part of the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee, Messrs. Jacobs, Tobey and Harris.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to regulate the sale of goods at public auction in the several cities in this State."

Assembly, "An act in relation to the St. Joseph's Institution for the Improved Instruction of Deaf Mutes at Fordham, in the county of Westchester."

"An act to provide for the determination and payment of claims for goods, merchandise and material furnished and labor performed in fitting up and furnishing armories and drill rooms in the city of New York."

After some time spent therein, the President resumed the chair, and Mr. Prince, from said committee, reported in favor of the passage of the first named bill, with amendments, and have amended the title by striking out the words "several cities in this State," and inserting the words "city of Brooklyn," which report was agreed to, and the same ordered to a third reading.

Mr. Prince, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Prince, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to amend chapter 426 of the Laws of 1847, entitled 'An act to provide for the incorporation of villages.'"

Assembly, "An act providing for the use of a portion of Washington square, at Stapleton, in the village of Edgewater, town of Middletown and county of Richmond, as a site for a county court-house."

Assembly, "An act to authorize the commissioners of the land office to sell and convey lands in Clinton county."

After some time spent therein the President resumed the chair, and Mr. Harris, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to amend chapter 817 of the Laws of 1866, entitled 'An act to lay out and construct a road from the river road, in township No. 14, in the town of Johnsburgh, to the Carthage road, near the head of Long lake, in the county of Hamilton.'"

Assembly, "An act to amend chapter 291 of the Laws of 1870, entitled 'An act for the incorporation of villages,' passed April 20, 1870, as amended by chapter 688 of the Laws of 1871."

Assembly, "An act to confirm and legalize the acts of William M. Summers, as notary public of the county of Kings, since March 31, 1877."

After some time spent therein, the President resumed the chair, and Mr. Starbuck, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered to a third reading.

On motion of Mr. Jacobs, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act transferring the interest of the people of the State of New York in the 'National Antietam

Cemetery,' to the government of the United States," was ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act for the better protection of persons and property and the more effectual prevention of crime at sea-bathing places and upon vessels plying between such places and the cities within this State."

Assembly, "An act authorizing licenses to keep taverns without including a license to sell spiritous or intoxicating liquors."

Assembly, "An act in relation to the floating debt of the village of Edgewater."

After some time spent therein, the President resumed the chair, and Mr. Schoonmaker, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Schoonmaker, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to and the same ordered to a third reading.

Mr. Schoonmaker, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Prince moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend chapter 342 of the Laws of 1850, entitled 'An act to authorize the president, directors and company of the New Baltimore and Rensselaerville turnpike road, to sell and convey their present turnpike road,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Moore, from the committee on agriculture, to which was referred the bill entitled "An act to amend chapter 197 of the Laws of 1864, entitled 'An act to amend the several acts relating to taxes upon dogs, so far as relates to the county of Ontario, and providing for the extension thereof to the several counties of the State by resolutions of the respective boards of supervisors,'" reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Moore, from the committee on agriculture, to which was referred the bill entitled "An act to provide for a farm and dairy experimental station," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to repeal chapter 556 of the Laws of 1871, entitled 'An act relating to Queens County Railway Company,' and to repeal the first section of chapter 633 of the Laws of 1872, entitled 'An act relating to the Queens County Railway Company.'"

"An act to amend chapter 173 of the Laws of 1875, entitled 'An act to provide for the better care of pauper and destitute children.'"

"An act to provide for the disposition and sale of certain lateral canals

of this State, and the lands, rights and other property connected therewith."

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act in relation to street improvements in the twenty-third and twenty-fourth wards in the city of New York."

Assembly, "An act for the relief of William McDonald, for materials supplied for repairs of certain roads in the city of New York."

Assembly, "An act to change the time for electing directors of the Hanover Fire Insurance Company."

After some time spent therein, the President resumed the chair, and Mr. Selkreg, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Jacobs moved that when the Senate adjourns to-night, it adjourn to meet to-morrow morning at 9 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole and proceeded to the consideration of general orders; being the bills entitled as follows:

Assembly, "An act to amend chapter 68 of the Laws of 1871, entitled 'An act for the incorporation of private and family cemeteries.'"

Assembly, "An act to authorize the board of water commissioners of the village of Middletown, to grant permits for the taking of ice from Monhagen reservoir."

Assembly, "An act to legalize and confirm the official acts of the trustees of the village of New Brighton."

After some time spent therein the President resumed the chair, and Mr. Jacobs, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to provide for the payment of certain sewers built in the city of Brooklyn."

Assembly, "An act to amend chapter 703 of the Laws of 1873, entitled 'An act to authorize the extension of railroad tracks on Buffalo avenue and other streets and avenues in the city of Brooklyn, and the county of Kings,' passed June 10, 1873."

Assembly, "An act to establish a high school in the city of Brooklyn."

After some time spent therein, the President resumed the chair, and Mr. Carpenter, from said committee, reported in favor of the passage of the said first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Carpenter, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Jacobs moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to authorize the formation of a mutual insurance company in the towns of Catskill and Athens, in the county of Greene."

Assembly, "An act to repeal an act entitled 'An act to widen and improve North Second street, in the city of Brooklyn,' passed April 19, 1871."

Assembly, "An act to incorporate Patterson lodge No. 273, Independent Order of Odd Fellows of the State of New York."

After some time spent therein, the President resumed the chair, and Mr. Loomis, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Loomis, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to authorize the common council of the city of Lockport to raise by tax and disburse money in altering, improving and repairing Protective Hook and Ladder Company No. 1, Hook and Ladder House of said city of Lockport," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Cole, and by unanimous consent, the rules were suspended, and the committee of the whole was discharged from the further consideration of said bill, and the same was ordered to a third reading.

Mr. Jacobs moved to take from the table the motion to reconsider the vote by which the Assembly bill entitled "An act authorizing the taxation of stockholders of banks and the surplus funds of savings banks," was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Gerard	Prince	Selkreg
Bixby	Harris	Robertson	Sprague
Carpenter	Jacobs	St. John	Tobey
Cole	Kennaday	Sayre	Wagstaff
Doolittle	Morrissey	Schoonmaker	Wellman
Emerson			

21

#### FOR THE NEGATIVE.

Bradley	Loomis	Moore	Woodin
Hammond	McCarthy		

6

Mr. Jacobs moved that said bill be recommitted to the committee on banks with instructions to amend by striking out all the amendments made by the Senate and restoring the said bill as it came from the Assembly, and that said committee report immediately.

Mr. Prince moved to lay the whole subject upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Emerson moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act further to amend the charter of the city of Rochester," and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Assembly returned the following entitled Assembly bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to amend section 7 of chapter 5, of part 1 of title 5 of the Revised Statutes in relation to the appointment of collectors of canal tolls."

"An act relative to the bonded indebtedness of cities, villages, towns and counties."

"An act to amend chapter 139 of the Laws of 1870, entitled 'An act to annex parts of the towns of Bethlehem and Watervliet, in the county of Albany, to the city of Albany, and to exempt such parts thereof from certain taxes, and to annex a part of the city of Albany to the town of Watervliet.'"

"An act to amend chapter 264 of the Laws of 1817, entitled 'An act to incorporate the members of the New York Institution for the Instruction of the Deaf and Dumb,' with amendments thereto."

"An act to incorporate the Erie County Pipe Line Company."

"An act to legalize and confirm the official acts and proceedings of Ansel F. Conger, Jonathan W. Potter and Leander Stafford, assessors of Gowanda Union Free School District."

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the bill entitled as follows:

"An act relating to the coroners of the city and county of New York, their duties and compensation."

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly returned the concurrent resolution proposing an amendment to article 3 of the Constitution; also, concurrent resolution proposing an amendment to section 6 of article six of the Constitution, with a message that they had adopted the same.

*Ordered*, That the Clerk deliver said resolutions to the Secretary of State.

The Assembly returned the Assembly bill entitled "An act to authorize the board of education of the city of Brooklyn to establish a home or school of reform for truant children, and to transfer the truant home of the city of Brooklyn to the care and custody of the said board of education," with a message that they recede from their request of a committee of conference and concur in the amendments of the Senate to said bill.

The Assembly returned the following entitled Assembly bill, with a message that they had agreed to the report of the committee of conference thereon:

"An act to repeal an act entitled 'An act to alter the map or plan of the city of New York by laying out thereon a parade ground, and to authorize the taking of the same, passed April 20, 1871,' and to provide for the payment of compensation for loss and damage to certain owners of land affected thereby."

*Ordered*, That the Clerk return said bill to the Assembly.

By unanimous consent, Mr. Bixby asked and obtained leave to intro-

duce a bill entitled "An act to provide a station-house, prison and lodging house for the Thirtieth precinct of the city of New York," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Bixby, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release the interest of the people of the State of New York in certain real estate in the city of Brooklyn, county of Kings, to Ellen Allman, widow of Otto Allman," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend the provisions of the Revised Statutes in regard to the solemnization of marriages," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from a majority of the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend sections 6 and 29 of chapter 495 of the Laws of 1875, entitled 'An act relating to the court of arbitration of the Chamber of Commerce of the State of New York, and to provide for the expenses thereof,'" reported in favor of the passage of the same, with amendments (Messrs. Prince, Sprague and Robertson dissenting), and said bill was committed to the committee of the whole.

On motion of Mr. Hammond, the Senate adjourned.

## THURSDAY, MAY 24, 1877.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

On motion of Mr. Wagner, the reading of the journal of yesterday was dispensed with.

The Assembly sent for concurrence the bills entitled as follows:

"An act for the protection of children, and to prevent and punish certain wrongs to children," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend chapter 611 of the Laws of 1869, entitled 'An act to incorporate the village of West Mount Vernon, county of Westchester,'" which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Robertson, and by unanimous consent, said bill was substituted for Senate bill same title.

"An act to amend chapter 980 of the Laws of 1867, entitled 'An act to authorize the consolidation of corporations organized under the act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes, passed February 17, 1848,' or any of the acts amending or extending the same," which was read the

first time, and by unanimous consent was also read the second time, and referred to the committee on manufactures.

"An act to amend section 9 of title 2 of the Revised charter of the city of Buffalo," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Sprague, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

"An act to amend chapter 291 of the Laws of 1870, entitled 'An act for the incorporation of villages,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of villages.

The Assembly bill entitled "An act to confirm and legalize the acts of William M. Summers as notary public of the county of Kings, since March 31, 1877," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Hammond	Moore	Selkreg
Bixby	Jacobs	Morrissey	Sprague
Carpenter	Kennaday	Prince	Vedder
Cole	Lamont	Robertson	Wagner
Doolittle	McCarthy	Schoonmaker	Wellman
Emerson			

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act providing for the issue of bonds by the town of Westchester in payment of certain judgments in favor of Gouverneur Paulding and others against George Cooper and others, commissioners of the Eastern boulevard, and for the approval thereof by the electors of said town," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Jacobs	Morrissey	Sprague
Carpenter	Kennaday	Prince	Tobey
Cole	Lamont	Robertson	Wagner
Doolittle	McCarthy	Schoonmaker	Wellman
Emerson	Moore	Selkreg	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to authorize the board of water commissioners of the village of Middletown to grant permits for taking of ice from Monhagen reservoir," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:



## FOR THE AFFIRMATIVE.

Baaden	Hammond	Moore	Schoonmaker	
Carpenter	Jacobs	Morrissey	Selkreg	
Cole	Lamont	Prince	Vedder	
Doolittle	Loomis	Robertson	Wagner	
Emerson	McCarthy	St. John	Wellman	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to confirm the election of village trustees in certain cases, and to provide for and determine by lot their respective terms of office," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Hammond	McCarthy	Selkreg	
Carpenter	Jacobs	Morrissey	Sprague	
Cole	Kennaday	Prince	Wagner	
Doolittle	Lamont	St. John	Wellman	
Emerson				17

## FOR THE NEGATIVE.

Robertson	Schoonmaker	Woodin	3
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 703 of the Laws of 1873, entitled 'An act to authorize the extension of railroad tracks on Buffalo avenue and other streets and avenues in the city of Brooklyn, and the county of Kings,' passed June 10, 1873," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Jacobs	Prince	Sprague	
Carpenter	Kennaday	Robertson	Tobey	
Cole	Lamont	St. John	Vedder	
Doolittle	McCarthy	Schoonmaker	Wagner	
Emerson	Morrissey	Selkreg	Wellman	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend the charter of the village of Edgewater," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Hammond	Morrissey	Selkreg	
Carpenter	Jacobs	Prince	Sprague	
Cole	Kennaday	Robertson	Wagner	
Doolittle	Lamont	St. John	Wellman	
Emerson	McCarthy	Schoonmaker	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to provide for the payment of certain sewers built in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baader	Emerson	McCarthy	St. John	
Bradley	Jacobs	Moore	Sprague	
Carpenter	Kennaday	Morrissey	Wagner	
Cole	Lamont	Prince	Wellman	
Doolittle	Loomis	Robertson	Woodin	20

## FOR THE NEGATIVE.

Schoonmaker

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to the St. Joseph's Institution for the Improved Instruction of Deaf Mutes, at Fordham, in the county of Westchester," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	St. John	
Bixby	Jacobs	Moore	Selkreg	
Bradley	Kennaday	Morrissey	Tobey	
Cole	Lamont	Prince	Wagner	
Coleman	Loomis	Robertson	Wellman	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act providing for the use of a portion of Washington square at Stapleton, in the village of Edgewater, town of Middletown, and county of Richmond, as a site for a county court-house," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Jacobs	Moore	Schoonmaker
Bixby	Kennaday	Morrissey	Selkreg
Carpenter	Lamont	Prince	Sprague
Cole	Loomis	Robertson	Wagner
Doolittle	McCarthy	St. John	Wellman
Emerson			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows :

"An act in relation to the appointment of a State agent for the guidance and employment of discharged convicts."

"An act to provide a station-house, prison and lodging-house for the Thirtieth police precinct of the city of New York."

The bill entitled "An act in relation to the appointment of a State agent for the guidance and employment of discharged convicts," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Schoonmaker
Bixby	Hammond	Moore	Selkreg
Bradley	Jacobs	Prince	Sprague
Carpenter	Kennaday	Robertson	Wagner
Cole	Lamont	St. John	Wellman
Doolittle	Loomis		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to provide a station-house, prison and lodging-house for the Thirtieth police precinct of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	St. John
Bixby	Emerson	McCarthy	Schoonmaker
Bradley	Jacobs	Moore	Selkreg
Carpenter	Kennaday	Prince	Wagner
Cole	Lamont	Robertson	Wellman

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act to amend the charter of the city of Brooklyn and the various amendments thereof, passed June 28, 1873, which act was amended by chapter 589 of the

Laws of 1874, and chapter 688 of the Laws of 1875, and to further amend the charter of the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Lamont	St. John
Bixby	Gerard	Loomis	Schoonmaker
Bradley	Hammond	McCarthy	Selkreg
Carpenter	Jacobs	Moore	Sprague
Cole	Kennaday	Robertson	Wagner
Doolittle			

21

*Ordered,* That the Clerk return said bill to the Assembly with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act authorizing licenses to keep taverns without including a license to sell spirituous or intoxicating liquors," having been announced for a third reading,

Mr. Vedder moved that said bill be recommitted to the committee on internal affairs with instructions to strike out the enacting clause.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Sayre
Bradley	Gerard	Moore	Selkreg
Carpenter	Hammond	Prince	Sprague
Cole	Kennaday	Robertson	Wellman
Coleman	Lamont	St. John	Woodin
Doolittle	Loomis		

22

## FOR THE NEGATIVE.

Baaden	Starbuck	Vedder	3
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to authorize railroad corporations to pay commutation money for highway labor to the commissioners of highways of towns," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Morrissey	Sprague
Bradley	Jacobs	Robertson	Tobey
Carpenter	Kennaday	St. John	Wagner

Coleman  
Doolittle  
Gerard

Lamont  
McCarthy

Sayre  
Selkreg

Wagstaff  
Woodin

21

## FOR THE NEGATIVE.

Moore

Starbuck

2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act relative to public instruction in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden  
Carpenter  
Coleman  
Doolittle  
Emerson

McCarthy  
Moore  
Morrissey  
Prince

Robertson  
Sayre  
Selkreg  
Sprague

Tobey  
Vedder  
Wagner  
Woodin

17

## FOR THE NEGATIVE.

Bradley  
Gerard

Kennaday  
Lamont

Loomis  
St. John

Schoonmaker  
Starbuck

8

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to change the time for electing directors of the Hanover Fire Insurance Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby  
Carpenter  
Cole  
Coleman  
Doolittle

Emerson  
Kennaday  
Lamont  
Loomis  
McCarthy

Moore  
Morrissey  
Prince  
Robertson  
St. John

Sayre  
Selkreg  
Tobey  
Woodin

19

## FOR THE NEGATIVE.

Starbuck

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the formation of a mutual insurance company in the towns of Catskill and Athens, in the county of Greene," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Jacobs	Prince	Selkreg
Bixby	Kennaday	Robertson	Sprague
Cole	Lamont	St. John	Vedder
Coleman	Loomis	Sayre	Wagner
Doolittle	McCarthy	Schoonmaker	Wagstaff
Gerard	Morrissey		

22

## FOR THE NEGATIVE.

Starbuck	1
----------	---

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 849 of the Laws of 1872, entitled 'An act to incorporate the Buffalo Catholic Institute,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	St. John
Bixby	Gerard	McCarthy	Sprague
Bradley	Hammond	Moore	Tobey
Coleman	Kennaday	Morrissey	Wagner
Doolittle	Lamont	Robertson	Wagstaff

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 426 of the Laws of 1847, entitled 'An act to provide for the incorporation of villages,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	St. John
Bixby	Emerson	McCarthy	Schoonmaker
Bradley	Jacobs	Morrissey	Sprague
Carpenter	Kennaday	Prince	Tobey
Coleman	Lamont	Robertson	

19

## FOR THE NEGATIVE.

Moore	Starbuck	2
-------	----------	---

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 291 of the Laws of 1870, entitled 'An act for the incorporation of villages,' passed April 20, 1870, as amended by chapter 688 of the Laws of 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	Sprague
Bixby	Hammond	Morrissey	Tobey
Carpenter	Kennaday	Robertson	Wagner
Coleman	Lamont	St. John	Woodin
Emerson	Loomis	Schoonmaker	

19

## FOR THE NEGATIVE.

Bradley	Cole	Prince	3
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the commissioners of the land office to sell and convey lands in Clinton county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Starbuck
Bixby	Jacobs	Prince	Tobey
Bradley	Kennaday	Robertson	Vedder
Carpenter	Loomis	St. John	Wagner
Cole	McCarthy	Schoonmaker	Wagstaff
Coleman	Moore	Sprague	Woodin
Doolittle			

25

## FOR THE NEGATIVE.

Hammond	Lamont	2
---------	--------	---

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act for the relief of William McDonald for materials supplied for the repairs of certain roads in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Starbuck
Bixby	Hammond	Morrissey	Tobey
Cole	Jacobs	Prince	Vedder
Coleman	Lamont	Robertson	Wagner
Doolittle	Loomis	Sayre	Wellman
Emerson	McCarthy	Schoonmaker	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to street improvements in the Twenty-third and Twenty-fourth wards in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Morrissey	Starbuck
Bixby	Gerard	Prince	Tobey
Bradley	Jacobs	Robertson	Vedder
Carpenter	Loomis	St. John	Wagner
Cole	McCarthy	Sayre	Woodin
Doolittle	Moore	Sprague	

23

## FOR THE NEGATIVE.

Schoonmaker

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act transferring the interest of the people of the State of New York in the National Antietam Cemetery to the government of the United States," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Harris	Morrissey	Starbuck
Bixby	Jacobs	Robertson	Tobey
Bradley	Kennaday	St. John	Vedder
Cole	Loomis	Sayre	Wagner
Doolittle	McCarthy	Selkreg	Woodin
Hammond	Moore		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to the floating debt of the village of Edgewater," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Jacobs	Morrissey	Tobey
Carpenter	Kennaday	Prince	Wagner
Coleman	Lamont	Robertson	Wagstaff
Doolittle	Loomis	Selkreg	Woodin
Harris	McCarthy		

18



## FOR THE NEGATIVE.

Bixby	Hammond	Sayre	Starbuck	
Cole	Moore	Schoonmaker	Vedder	
Gerard	St. John	Sprague		11

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act for the better protection of persons and property, and the more effectual prevention of crime at sea-bathing places and upon vessels plying between such places and the cities within this State," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Hammond	McCarthy	Selkreg	
Bixby	Harris	Moore	Sprague	
Carpenter	Jacobs	Prince	Tobey	
Cole	Lamont	Robertson	Vedder	
Coleman	Loomis	Schoonmaker	Wagner	
Emersen				21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 817 of the Laws of 1866, entitled 'An act to lay out and construct a road from the river road, in township number fourteen, in the town of Johnsburgh, to the Carthage road near the head of Long Lake, in the county of Hamilton,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Schoonmaker	
Bixby	Gerard	Morriasey	Sprague	
Carpenter	Jacobs	Robertson	Starbuck	
Cole	Loomis	St. John	Vedder	
Coleman	McCarthy	Sayre	Wellman	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 68 of the Laws of 1871, entitled 'An act for the incorporation of private and family cemeteries,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Sayre
Carpenter	Hammond	Moore	Selkreg
Cole	Jacobs	Prince	Starbuck
Coleman	Lamont	Robertson	Tobey
Doolittle	Loomis	St. John	Wagner

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to establish a high school in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Jacobs	Moore	Selkreg
Bixby	Kennaday	Prince	Starbuck
Bradley	Lamont	St. John	Tobey
Carpenter	Loomis	Sayre	Vedder
Coleman	McCarthy	Schoonmaker	Wagner
Doolittle			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act supplemental to an act entitled 'An act to further amend chapter 721 of the Laws of 1871, entitled An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Jacobs	Prince	Selkreg
Bixby	Kennaday	Robertson	Sprague
Bradley	Lamont	St. John	Tobey
Coleman	Moore	Sayre	Wagstaff
Emerson	Morrissey	Schoonmaker	Wellman
Gerard			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend section 16 of title 7 of an act entitled 'An act to revise the charter of the city of Buffalo, passed April 26, 1870, in relation to the payment of orders drawn upon local funds,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Starbuck
Bixby	Jacobs	Morrissey	Tobey
Carpenter	Kennaday	Robertson	Wagner
Cole	Loomis	St. John	Wagstaff
Coleman	McCarthy	Sprague	Woodin
Doolittle			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the common council of the city of Lockport to raise by tax and disburse money in altering, improving and repairing Protection Hook and Ladder Company No. 1 hook and ladder house of said city of Lockport," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Morrissey	Starbuck
Bixby	Emerson	Robertson	Vedder
Bradley	Jacobs	St. John	Wagner
Carpenter	Lamont	Selkreg	Wagstaff
Cole	Loomis	Sprague	Woodin
Coleman	McCarthy		

22

## FOR THE NEGATIVE.

Gerard

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Emerson called for the consideration of the Assembly bill entitled "An act further to amend the charter of the city of Rochester."

The President announced the question upon the final passage of the bill as amended by the Assembly.

Mr. Emerson moved that said bill be recommitted to the committee on the affairs of cities with instructions to amend the same as follows:

Strike out all after the enacting clause and insert as follows:

SECTION 1. Section seventy-seven of the charter of the city of Rochester, as the same was amended by an act passed April 20, 1866, entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 6, 1861," is hereby repealed and the following section is substituted in place thereof:

§ 77. Mt. Hope Cemetery shall hereafter be under the control and management of a board of nine (9) trustees, who shall be appointed by the mayor and confirmed by the common council, upon the passage of this act, who shall be divided into three classes, and the first class shall hold office until the first Monday of May, 1878, the second class until the first Monday of May, 1879, and the third class until the first Monday of May, 1880. During the month of April in each year the mayor shall appoint, subject to the confirmation of the common council, three trustees, who shall succeed to the trusteeship of those whose terms of office shall expire on the first Monday of May, and who shall hold office for

three years next ensuing. Any vacancy occurring by death or resignation shall be filled in like manner by the mayor and common council for the expiration of said term. All trustees shall be residents of the city of Rochester and lot owners in said cemetery. No person shall be appointed who holds by appointment or election any municipal office. The said trustees shall receive no compensation for their services.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin, from the committee on the affairs of cities, to which was referred said bill, reported that the committee have made the amendments thereto as instructed, and have directed their chairman to report the same to the Senate.

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Cole	Hammond	Prince	Sprague	
Coleman	Harris	Robertson	Vedder	
Doolittle	McCarthy	Sayre	Wellman	
Emerson	Moore	Selkreg	Woodin	16

#### FOR THE NEGATIVE.

Bixby	Loomis	St. John	Starbuck	
Bradley	Morrissey	Schoonmaker	Wagstaff	
Gerard				9

Mr. Woodin moved to reconsider the vote by which said bill was lost and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Prince, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act in relation to the leasing of ferries in the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Coleman, from the committee on banks, to which was referred the Assembly bill entitled "An act to amend chapter 226 of the Laws of 1849, entitled 'An act to enforce the responsibility of stockholders in certain banking corporations and associations as prescribed by the Constitution, and to provide for the prompt payments of demands against such corporations and associations,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Coleman, from the committee on banks, to which was referred the Assembly bill entitled "An act to amend section 24 of chapter 260 of the Laws of 1838, entitled 'An act to authorize the business of banking,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act to exempt the county of Kings from the operations of chapter 625 of the Laws of 1873," reported adversely thereto.

Mr. Kennaday moved that said report be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act to exempt the waters of Lake Ontario and certain bays and rivers in Jefferson county from chapter 721 of the Laws of 1871," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act to amend chapter 11 of the Laws of 1849 as amended by chapter 581 of the Laws of 1853, said acts being in relation to highways in the town of Eastchester," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act to further amend chapter 731 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to change the location of the court-house and clerk's office of Richmond county by a majority vote of the board of supervisors of said county, and a vote of approval by the electors of said county," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act in relation to town accounts," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to amend section 2 of chapter 180 of the Laws of 1875, entitled 'An act creating a board of town auditors in the several towns of this State, and to prescribe their powers and duties,'" reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Prince moved to take from the table Senate bill No. 412, entitled "An act authorizing the taxation of stockholders of banks and the surplus funds of savings banks."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Jacobs	Robertson	Wagner
Bixby	Kennaday	St. John	Wagstaff
Carpenter	Morrissey	Sprague	Wellman
Harris	Prince		

14

#### FOR THE NEGATIVE.

Bradley	Emerson	McCarthy	Selkreg
Cole	Hammond	Moore	Starbuck
Coleman	Lamont	Sayre	Vedder
Doolittle	Loomis	Schoonmaker	Woodin

16

Mr. Emerson moved to take from the table the motion to reconsider the vote by which the Assembly bill entitled "An act further to amend the charter of the city of Rochester," was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Carpenter	Harris	Prince	Sprague
Cole	Kennaday	Robertson	Vedder
Coleman	Loomis	Sayre	Wellman
Doolittle	McCarthy	Selkreg	Woodin
Emerson	Moore		

18

## FOR THE NEGATIVE.

Baaden	Bradley	Morrissey	Schoonmaker
Bixby	Jacobs	St. John	

7

The President then put the question whether the Senate would agree to reconsider the vote by which said bill was lost, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Carpenter	Hammond	Prince	Tobey
Cole	Harris	Robertson	Vedder
Coleman	Loomis	Sayre	Wellman
Doolittle	McCarthy	Selkreg	Woodin
Emerson	Moore	Sprague	

19

## FOR THE NEGATIVE.

Baaden	Gerard	St. John	Starbuck
Bixby	Jacobs	Schoonmaker	Wagner
Bradley	Morrissey		

10

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, as amended.

The President announced the following appointments "to attend upon the organization of the next Legislature": Assistant Doorkeeper, John S. Aitkins; Pages, John J. Donohue, Geo. L. Zeelie, David E. Connolly, Geo. F. Connors.

Officers "to remain and perform duty fourteen days": J. Stanley Browne, James I. Hart, Henry A. Griswold.

Mr. Wagstaff called for the consideration of the bill entitled "An act to provide for the determination and payment of claims for goods, merchandise and material furnished and labor performed, in fitting up and furnishing armories and drill rooms in the city of New York."

The President stated the pending question to be upon agreeing to the amendments of the Assembly to said bill.

Mr. Wagstaff moved that the Senate concur in all said amendments excepting the following:

Section 1, line 3, strike out the word "one," in "seventy-one," and insert the word "two."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

## \* FOR THE AFFIRMATIVE.

Baaden	Kennaday	St. John	Tobey
Birby	Lamont	Sayre	Vedder
Doolittle	Moore	Schoonmaker	Wagner
Gerard	Prince	Sprague	Wagstaff
Harris	Robertson	Starbuck	Wellman
Jacobs			

21

## FOR THE NEGATIVE.

Carpenter	Coleman	Selkreg	Woodin	4
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Mr. Wagstaff moved that the Senate do non-concur in the amendment above excepted, that a committee of conference be appointed thereon, and that the Assembly be requested to appoint a like committee.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee Messrs. Wagstaff, Prince and Harris.

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have appointed a committee of conference thereon.

The Assembly bill entitled "An act to repeal chapter 559 of the Laws of 1871, entitled 'An act to widen and improve North Second street in the city of Brooklyn,' passed April 19, 1871," having been announced for a third reading,

Mr. Jacobs moved that said bill be recommitted to the committee on the affairs of cities.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

On motion of Mr. Jacobs, and by unanimous consent, said bill was laid aside.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act for the protection of children and to prevent and punish certain wrongs to children," reported in favor of the passage of the same.

On motion of Mr. Robertson, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Wagstaff moved to take from the table the motion to reconsider the vote by which Assembly bill entitled "An act to amend the charter of the Arctic Fire Insurance Company of New York, and to extend the powers and privileges thereof," was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to reconsider the vote by which said bill was lost, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Sayre
Birby	Harris	Morrissey	Sprague
Carpenter	Jacobs	Prince	Tobey

Cole	Kennaday	Robertson	Wagstaff	20
Coleman	Loomis	St. John	Wellman	

FOR THE NEGATIVE.

Bradley	Moore	Selkreg	Wagner	8
Gerard	Schoonmaker	Starbuck	Woodin	

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 611 of the Laws of 1869, entitled 'An act to incorporate the village of West Mount Vernon, county of Westchester,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Jacobs	Prince	Sprague	20
Bradley	Kennaday	Robertson	Starbuck	
Carpenter	Lamont	St. John	Vedder	
Doolittle	Loomis	Sayre	Wagner	
Harris	Moore	Schoonmaker	Wellman	

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

On motion of Mr. Harris, and by unanimous consent, the rules were suspended, and the committee of the whole was discharged from the further consideration of the Assembly bill entitled "An act to amend chapter 342 of the Laws of 1850, entitled 'An act to authorize the president, directors and company of the New Baltimore and Rensselaerville turnpike road, to sell and convey their present turnpike road,'" and the same was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Schoonmaker	20
Bradley	Harris	Morrissey	Sprague	
Carpenter	Jacobs	Prince	Starbuck	
Cole	Kennaday	Robertson	Wagner	
Doolittle	Loomis	St. John	Wellman	

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Senate then resolved itself into a committee of the whole and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to amend chapter 486 of the Laws of 1872, entitled 'An act relative to the setting of fykes and other nets in Harlem and East rivers.'"

Assembly, "An act in relation to the government of the city of Brooklyn."



Assembly, "An act making a gratuity to the survivors of certain Shinnecock Indians, who were lost upon the wreck of the steamer *Circassian*."

After some time spent therein, the President resumed the chair, and Mr. Selkreg, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered to a third reading.

The Assembly bill entitled "An act to amend section 9 of title 2 of the revised charter of the city of Buffalo," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate, voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	Selkreg
Bixby	Emerson	Moore	Sprague
Carpenter	Gerard	Morrissey	Wagner
Cole	Jacobs	Robertson	Wellman
Coleman	Kennaday	Sayre	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act for the protection of children and to prevent and punish certain wrongs to children," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Emerson	Robertson	Starbuck
Bixby	Harris	St John	Vedder
Bradley	Jacobs	Sayre	Wagner
Carpenter	Lamont	Schoonmaker	Wagstaff
Coleman	Loomis	Sprague	Wellman
Doolittle	Moore		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act for the better protection of policyholders of life insurance companies."

"An act to amend the provisions of the Revised Statutes in regard to the solemnization of marriages."

"An act to amend chapter 335 of the Laws of 1873, entitled 'An act to reorganize the local government of the city of New York,' in relation to the department of buildings of the city of New York."

After some time spent therein, the President resumed the chair, and Mr. Lamont, from said committee, reported progress on said first named bill, and asked leave to sit again.

Mr. Prince moved that the committee of the whole be discharged from the further consideration of said bill and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Jacobs	Prince	Tobey
Bixby	Moore	Robertson	Wagner
Doolittle	Morrissey	Schoonmaker	Wagstaff
Gerard			

13

## FOR THE NEGATIVE.

Bradley	Harris	McCarthy	Starbuck
Carpenter	Kennaday	Sayre	Vedder
Cole	Lamont	Selkreg	Wellman
Coleman	Loomis	Sprague	Woodin

16

The President then put the question whether the Senate would agree to said request, and it was decided in the affirmative.

Mr. Lamont, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Lamont, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Bixby moved that the committee of the whole be discharged from the further consideration of said bill and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the bill entitled "An act to incorporate the Buffalo Pipe Line Company," with a message that they had concurred in the passage of the same, with the following amendment :

Section 7, line 3, after the word "road," insert the word "railroad or plank-road."

The President put the question whether the Senate would concur in said amendment, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Morrissey	Sprague
Bixby	Jacobs	Robertson	Tobey
Bradley	Kennaday	St. John	Vedder
Carpenter	Loomis	Schoonmaker	Wagner
Cole	Moore	Selkreg	Woodin
Coleman			

21

## FOR THE NEGATIVE.

Starbuck			
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1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly returned the bill entitled "An act relating to the office of the commissioner of jurors in the city of New York," with a message that they had concurred in the passage of the same, with the following amendments :

Section 1, line 10, strike out the word "four" and insert the word "six."

Section 2, line 2, strike out the word "three" and insert the word "six."

Same section, line 5, strike out the word "six" and insert the word "eight."

Section 4, line 5, strike out the word "monthly" and insert the words "semi-annually."

Section 5, line 2, after the word "shall," insert the word "annually."

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Starbuck
Bixby	Gerard	Morrissey	Tobey
Bradley	Kennaday	Robertson	Vedder
Carpenter	Lamont	St. John	Wellman
Coleman	Loomis	Schoonmaker	Woodin
Doolittle	McCarthy		

22

*Ordered*, That the Clerk return said bill to the Assembly with a message informing that the Senate have concurred in their amendments.

The committee of conference appointed by the Senate and Assembly, to which was referred the matter in difference between the two houses upon the Assembly bill entitled "An act to organize the Senate districts and for the apportionment of the Members of Assembly of this State," having met and duly considered the same, do respectfully report that they are unable to agree; that the differences existing between the committee upon the subject of apportionment are wholly and absolutely irreconcilable.

Respectfully submitted.

WM. B. WOODIN,  
C. P. VEDDER,  
JOHN R. KENNADAY,  
*Senate Committee.*

T. C. ALVORD,  
JOHN T. HOGEBOOM,  
HAMILTON FISH, JR.,  
WM. F. MOLLER,  
FRANCIS BRILL,

*Assembly Committee.*

Mr. Woodin called for the consideration of the resolution in the words following :

*Resolved* (if the Senate concur), That this Legislature will adjourn *sine die* on Thursday afternoon, May 24th instant, at four o'clock.

Mr. Jacobs moved to lay the motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Bixby	Hammond	Kennaday	Wagstaff
Emerson	Harris	Morrissey	Woodin
Gerard	Jacobs	Prince	

11

FOR THE NEGATIVE.

Bradley	Lamont	St. John	Starbuck
Carpenter	Loomis	Sayre	Tobey
Cole	McCarthy	Schoonmaker	Vedder
Coleman	Moore	Selkreg	Wagner
Doolittle	Robertson	Sprague	Wellman

20

Mr. Jacobs moved to postpone the consideration of the resolution until three o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Kennaday	Prince
Bradley	Jacobs	Morrissey	Woodin
Emerson			

9

## FOR THE NEGATIVE.

Baaden	Harris	St. John	Starbuck
Carpenter	Lamont	Sayre	Tobey
Cole	Loomis	Schoonmaker	Vedder
Coleman	McCarthy	Selkreg	Wagner
Doolittle	Moore	Sprague	Wellman
Hammond	Robertson		

22

Mr. Jacobs moved that the consideration of said resolution be deferred until another effort be made to effect an agreement upon difference between the houses upon the apportionment bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Jacobs	Morrissey
Bixby	Harris	Kennaday	Prince

8

## FOR THE NEGATIVE.

Bradley	Hammond	St. John	Tobey
Carpenter	Lamont	Sayre	Vedder
Cole	Loomis	Schoonmaker	Wagner
Coleman	McCarthy	Selkreg	Wellman
Doolittle	Moore	Sprague	Woodin
Emerson	Robertson	Starbuck	

23

The President then put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Jacobs moved that the Senate insist upon its amendments to the bill entitled "An act to organize the Senate districts and for the apportionment of the Members of Assembly of this State."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Doolittle, from the committee on manufactures, to which was referred the Assembly bill No. 598, entitled "An act to amend chapter 960 of the Laws of 1867, entitled "An act to authorize the consolidation of corporations organized under the act entitled "An act to authorize the formation of corporations for manufacturing, mining, or chemical purposes, passed February 17, 1848," or any of the acts amending or extending the same," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly returned the bill entitled "An act in relation to county treasurers," with a message informing that they had passed the same, with the following amendments:

Section 1, line 9, after the word "banks," insert the word "bankers." Same section, line 11, after the word "bank," insert the word "bankers." Line 14, after the word "banks," insert the words "banker or bankers." Line 24, after the word "bank," insert the word "banker."

Section 2, after the word "bank" insert the word "banker." Line 5, after the word "bank," insert the word "banker."

Section 3, line 1, after the word "bank," insert the word "banker."

Section 4, line 9, after the word "association," insert the words "or with any other banker."

Section 9, line 7, after the word "evidence," insert the words "with some person of suitable age and discretion."

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Emerson	Robertson	Sprague
Bixby	Gerard	St. John	Starbuck
Bradley	Hammond	Sayre	Vedder
Carpenter	Lamont	Schoonmaker	Wagner
Coleman	Loomis	Selkreg	Wagstaff
Doolittle	Moore		

22

FOR THE NEGATIVE.

Cole Harris

2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

Mr. Vedder moved that the rules be suspended and that all bills in order of third reading be read.

Mr. Jacobs moved to amend by excepting the Assembly bill relative to the government of the city of Brooklyn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Pending the motion of Mr. Veeder, the Senate, on motion of Mr. Jacobs, took a recess until half-past two o'clock.

HALF-PAST TWO, P. M.

The Senate again met.

Mr. Prince offered the following:

*Resolved*, That there be prepared and printed, under the direction of the Clerk of the Senate, a continuation of the general index of the legislative documents of this State, including the year 1877, in the same form and convenience for reference as the same was prepared in 1857; that the Clerk cause five hundred copies to be printed and bound, and that fifty copies be placed in the Senate and Assembly libraries for the use of the Legislature, and the balance to be distributed as provided by chapter 258 of the Laws of 1845.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	Selkreg
Bixby	Emerson	McCarthy	Sprague
Carpenter	Gerard	Moore	Tobey

Cole	Jacobs	Prince	Wagner	
Coleman	Kennaday	Robertson	Woodin	20

Mr. Coleman, from the committee on banks, to which was referred the Assembly bill entitled "An act to amend chapter 508 of the Laws of 1873, entitled 'An act to incorporate the Long Island Loan and Trust Company,'" reported in favor of the passage of the same, with amendments.

On motion of Mr. Kennaday, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

The President announced the pending question to be upon the motion of Mr. Vedder that the rule respecting third reading of bills be suspended.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Coleman	Morrissey	Selkreg	
Carpenter	Doolittle	Robertson	Tobey	
Cole	McCarthy			10

## FOR THE NEGATIVE.

Bradley	Jacobs	St. John	Wagstaff	
Gerard	Kennaday	Schoonmaker	Woodin	
Harris	Loomis	Wagner		11

Mr. Harris, from the committee on conference, presented the following report:

*To the Legislature:*

Your committee of conference, to which was referred the matter of difference between the two houses on Senate bill No. 126, entitled "An act to provide for the determination and payment of claims for goods, merchandize and material furnished, and labor performed, in fitting up and furnishing armories and drill rooms in the city of New York," respectfully report that they recommend that the Assembly recede from the amendment adopted by the Assembly, to wit: On twelfth line, after the word "seventy," strike out the word "two" and insert the word "one."

HAMILTON HARRIS,  
ALFRED WAGSTAFF, JR.,  
L. BRADFORD PRINCE,  
*Senate Committee.*

J. T. STEIN,  
ELLIOTT C. COWDIN,  
J. O. JULIUS LANGBEIN,  
ISAAC I. HAYES,  
JAS. E. COULTER,  
*Assembly Committee.*

IN ASSEMBLY, May 24, 1877.

Report of conference committee agreed to.

By order,

EDWARD M. JOHNSON, *Clerk.*

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baden	Hammond	Loomis	Schoonmaker	
Bixby	Harris	McCarthy	Tobey	
Carpenter	Jacobs	Moore	Vedder	
Doolittle	Kennaday	Prince	Wagner	
Gerard	Lamont	Robertson	Wagstaff	20

## FOR THE NEGATIVE.

St. John

Woodin

2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference thereon.

Mr. Jacobs presented the following :

The committee of conference appointed to adjust the matters in difference between the two houses on Assembly bill entitled "An act to amend an act entitled 'An act to amend the charter of the city of Brooklyn, and the various amendments thereof, passed June 28, 1873, and to further amend the charter of the city of Brooklyn, as amended by an act for that purpose passed June 1, 1874, and as further amended by an act for that purpose entitled 'An act to amend the charter of the city of Brooklyn, being the act for that purpose passed June 28, 1873, and the act for that purpose passed June 1, 1874, passed June 21, 1875,'" do make the following report :

The Assembly concurs in the amendment to strike out sections 2, 3, 10, 12 and 17.

The Senate recedes from the amendment to strike out all after the word "city" in line 14 of section 5.

The Senate recedes from the amendment to strike out sections 6, 7, 8 and 9.

The Senate recedes from the amendment to strike out section 11, and amend the section by inserting after the word "to," in line 17, the words "with the consent of the common council."

The Assembly concur in the amendments to section 13, lines 4 and 5, to strike out the words "for cleaning the streets of the city." Also, in same section, to strike out the word "February," and insert the word "March."

The Senate recede from the amendment to strike out section 15.

The Assembly concur in the amendment to section 16, by striking out the word "Comptroller," and inserting the word "Auditor."

The Assembly concur in the addition of a new section, to be known as section 28.

The Senate recede from the amendment adding new section 24.

Concur in section 23 of bill as inserted by Senate.

The Senate recedes from section 24.

Respectfully submitted.

JOHN C. JACOBS,

F. W. TOBEY,

H. HARRIS,

*Senate Committee.*

ADRIAN M. SUYDAM,

C. L. LYON,

DANIEL BRADLEY,

J. MCGROARTY,

*Assembly Committee.*

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Hammond	Morrissey	Sprague
Cole	Jacobs	Prince	Tobey
Coleman	Kennaday	Robertson	Vedder
Doolittle	Lamont	St. John	Wagner
Emerson	Loomis	Sayre	Wagstaff
Gerard	McCarthy	Schoonmaker	Woodin

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference thereon.

The Assembly returned the bill entitled "An act to authorize the building of an addition to the county jail at White Plains, in the county of Westchester, and the enlargement and improvement thereof, and to provide for the issuing of bonds for the purpose of paying the expense thereof," with a message that they had concurred in the passage of the same, with the following amendments:

Section 1, line 2, engrossed bill, strike out the word "and." Same line, after the word "Binney," insert the words "Odle Close, William P. Esterbrook, Elisha P. Ferris and Francis M. Carpenter." Strike out section 5. Change section 6 to section 5.

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Starbuck
Bradley	Harris	Robertson	Vedder
Carpenter	Jacobs	Sayre	Wagner
Cole	Kennaday	Schoonmaker	Wagstaff
Doolittle	Lamont	Sprague	Wellman
Emerson	Loomis		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The bill entitled "An act to amend chapter 335 of the Laws of 1873, entitled 'An act to reorganize the local government of the city of New York,' in relation to the department of buildings of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Moore	Schoonmaker	Vedder
Lamont	Morrissey		

6

#### FOR THE NEGATIVE.

Baaden	Jacobs	St. John	Tobey
Bradley	Loomis	Selkreg	Wagner
Doolittle	McCarthy	Sprague	Wagstaff
Emerson	Prince	Starbuck	Woodin
Gerard	Robertson		

18

On motion of Mr. Wagstaff, the bill entitled "An act in relation to the leasing of ferries in the city of New York," was ordered to a third reading.

The Assembly bill entitled "An act to amend the provisions of the Revised Statutes in regard to the solemnization of marriages," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:



## FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Selkreg
Bixby	Harris	Morrissey	Tobey
Carpenter	Jacobs	Prince	Wagner
Cole	Lamont	Robertson	Wagstaff
Coleman	Loomis	Schoonmaker	Wellman
Doolittle	McCarthy		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to the government of the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Prince	Tobey
Carpenter	Harris	Robertson	Wagner
Cole	McCarthy	Sayre	Wagstaff
Coleman	Moore	Selkreg	Woodin
Doolittle	Morrissey	Sprague	

19

## FOR THE NEGATIVE.

Bradley	Kennaday	St. John	Starbuck
Jacobs	Loomis	Schoonmaker	

7

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 436 of the Laws of 1872, entitled 'An act relative to the setting of fykes and other nets in Harlem and East rivers,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Carpenter	Lamont	Robertson	Sprague
Coleman	McCarthy	St. John	Tobey
Harris	Moore	Sayre	Wagner
Jacobs	Morrissey	Schoonmaker	Wagstaff
Kennaday	Prince	Selkreg	Wellman

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act making a gratuity to the survivors of certain Shinnecock Indians, who were lost upon the wreck of the steamer *Circassian*," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Prince	Tobey
Bradley	Jacobs	St. John	Wagner
Carpenter	Kennaday	Sayre	Wagstaff
Cole	Lamont	Selkreg	Wellman
Coleman	Loomis	Sprague	Woodin
Doolittle	Morrissey		

22

## FOR THE NEGATIVE.

Harris	Moore	Schoonmaker	Starbuck	4
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 508 of the Laws of 1873, entitled 'An act to incorporate the Long Island Loan and Trust Company,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Harris	Morrissey	Tobey
Bixby	Jacobs	Prince	Wagner
Bradley	Kennaday	Robertson	Wagstaff
Coleman	Moore	Selkreg	Wellman
Doolittle			

17

## FOR THE NEGATIVE.

Cole	St. John	Schoonmaker	Starbuck	5
Lamont				

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to the leasing of ferries in the city of New York," being announced for a third reading,

Mr. Gerard moved that said bill be recommitted to the committee on commerce and navigation, with instructions to strike out the amendments made by the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	Robertson	Tobey
Bradley	Jacobs	Sayre	Vedder
Carpenter	Kennaday	Schoonmaker	Wagner
Cole	Lamont	Selkreg	Wagstaff
Coleman	Loomis	Sprague	Woodin

20

## FOR THE NEGATIVE.

Gerard	Moore	Prince	3
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to amend chapter 226 of the Laws of 1849, entitled 'An act to enforce the responsibility of stockholders in certain banking corporations and associations, as prescribed by the Constitution, and to provide for the prompt payments of demands against such corporations and associations.'"

Assembly, "An act to amend section 24 of chapter 280 of the Laws of 1838, entitled 'An act to authorize the business of banking.'"

"Assembly, "An act to release the interest of the people of the State of New York in certain real estate in the city of Brooklyn, county of Kings, to Ellen Allman widow of Otto Allman."

After some time spent therein, the President resumed the chair, and Mr. Gerard, from said committee, reported in favor of the passage of the first and second named bills, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Gerard, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered to a third reading.

On motion of Mr. Kennaday, and by unanimous consent, said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Birby	Gerard	Loomis	St. John
Bradley	Hammond	McCarthy	Sayre
Carpenter	Harris	Moore	Selkreg
Cole	Jacobs	Morrissey	Starbuck
Coleman	Kennaday	Prince	Wellman
Doolittle	Lamont	Robertson	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 226 of the Laws of 1849, entitled 'An act to enforce the responsibility of stockholders in certain banking corporations and associations as prescribed by the Constitution, and to provide for the prompt payments of demands against such corporations and associations,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Selkreg
Birby	Hammond	Morrissey	Sprague
Bradley	Harris	Prince	Tobey

Carpenter	Jacobs	Robertson	Wagner
Cole	Kennaday	St. John	Wagstaff
Coleman	Lamont	Sayre	Wellman
Doolittle	McCarthy	Schoonmaker	Woodin

28

## FOR THE NEGATIVE.

Starbuck

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend section 24 of chapter 260 of the Laws of 1838, entitled 'An act to authorize the business of banking,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Kennaday	Robertson	Vedder
Carpenter	Lamont	Sayre	Wagner
Cole	McCarthy	Schoonmaker	Wagstaff
Coleman	Moore	Selkreg	Wellman
Doolittle	Prince	Tobey	Woodin
Gerard			

21

## FOR THE NEGATIVE.

Starbuck

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Senate then went into executive session, and after some time spent therein the doors were opened and the Senate resumed legislative business.

Mr. Robertson moved that a committee of two be appointed to wait upon the Governor and inform him that the Senate had finished its business and was prepared to adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee Messrs. Robertson and Starbuck.

Mr. Jacobs moved that a committee of two be appointed to wait upon the Assembly and inform that body that the Senate were prepared to adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee Messrs. Jacobs and Emerson.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend chapter 874 of the Laws of 1871, entitled 'An act authorizing the surrogates in the several counties to employ stenographers.'"

"An act relative to the leasing of railroads by railroad companies incorporated under the laws of this State."

After some time spent therein, the President resumed the chair, and Mr. Harris, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Harris, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Robertson, from the committee appointed to wait upon the Governor, reported that the committee had performed that duty, and that the Governor had requested them to say that he had no further communication to make to the Senate.

On motion of Mr. Wagstaff, and by unanimous consent, the rules were suspended and the committee of the whole were discharged from the further consideration of the Assembly bill entitled "An act relating to the operations of the United States Coast Survey in the State of New York," and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Kennaday	Prince	Starbuck
Bixby	Lamont	Robertson	Tobey
Coleman	Loomis	St. John	Vedder
Doolittle	McCarthy	Sayre	Wagner
Gerard	Moore	Schoonmaker	Wagstaff
Harris	Morrissey	Sprague	Woodin

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly returned the bill entitled "An act to further amend chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,'" with a message that they had agreed to the report of the committee of conference thereon.

*Ordered*, That the Clerk return said bill to the Assembly.

The Assembly returned the bill entitled "An act to amend the charter of the city of Rochester," with a message that they had concurred in the passage of the same, as amended.

*Ordered*, That the Clerk return said bill to the Assembly.

The Assembly returned the following bills with messages that they had concurred in the amendments of the Senate thereto, respectively:

"An act to amend an act entitled 'An act respecting elections other than for militia and town officers, passed April 5, 1842,' as amended by chapter 698 of the Laws of 1872."

"An act to amend section 3 of chapter 564 of the Laws of 1875, entitled 'An act to amend chapter 122 of the Laws of 1851, entitled An act for the incorporation of building, mutual, loan and accumulating fund associations.'"

"An act to authorize the board of education of union free school district No. 1, of the town of Ellicott, Chautauqua county, to employ a superintendent, and fix the time of holding their annual school meeting."

"An act to provide for the introduction of an improved system of towage upon the canals of the State."

"An act to amend an act entitled 'An act authorizing Jonathan Preston to establish and continue a ferry across Deering's harbor, from Greenport to Shelter Island,' passed April 9, 1859."

"An act to validate and confirm the title to certain real estate in the city of New York."

"An act in relation to the insurance of plate glass."

"An act in relation to the repairing of streets, south of Fourteenth street, in the city of New York."

"An act authorizing the board of supervisors of the county of Steuben to determine that the Addison and Elkland Plank-road Company abandon its plank-road in that county, and to provide for the abandonment thereof."

"An act to authorize the Commissioners of the Land Office to sell and convey lands in Clinton county."

"An act authorizing licenses to keep taverns without including a license to sell spirituous or intoxicating liquors."

"An act to establish a court in the city of New York to be known as the city court of New York; and to abolish the marine court of said city."

"An act for the preservation of life at bathing places."

"An act to authorize railroad corporations to pay commutation money for highway labor to the commissioners of highways of towns."

"An act to authorize the trustees of the corporation of the village of Portageville, county of Wyoming, to cause an assessment to be made of the taxable property of said corporation, and to be levied and collected a tax sufficient to pay the indebtedness of said corporation."

"An act to confer additional powers upon the State Assessors."

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the bills entitled as follows:

"An act to authorize the Canal Board, to close the feeder of the Erie canal in Rochester."

"An act appropriating money to pay certificates heretofore drawn by Canal Commissioners."

"An act to provide for the disposition and sale of certain lateral canals of this State, and the lands, rights and other property connected therewith."

"An act relating to the office of the commissioner of jurors in the city of New York."

"An act to incorporate the Buffalo Pipe Line Company."

"An act to amend chapter 828 of the Laws of 1874, entitled 'An act to amend an act entitled An act for the incorporation of villages,' passed April 20, 1870."

"An act to extend the time for the organization of the American Loan Company and the commencement of its business."

"An act authorizing the formation of town insurance companies."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the concurrent resolution proposing an amendment to article 2 of the Constitution.

*Ordered*, That the Clerk deliver said resolution to the Secretary of State.

The Assembly returned the following entitled Assembly bills, with a message that they had agreed to the report of the committee of conference thereon:

"An act to amend an act entitled 'An act to amend the charter of the city of Brooklyn, and the various amendments thereof, passed June 28, 1873, and to further amend the charter of the city of Brooklyn,' as amended by an act for that purpose passed June 1, 1874, and as further amended by an act for that purpose entitled 'An act to amend the charter of the city of Brooklyn,' being the act for that purpose passed June 28, 1873, and the act for that purpose passed June 1, 1874, passed June 21, 1875."

"An act in relation to the salaries, fees, per centages and allowances of the officers of the city of Brooklyn."

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act to amend chapter 380 of the Laws of 1875, entitled 'An act to incorporate the Dutchess' Hide and Melting Association of the city of New York.'"

"An act to provide for widening Vernon avenue, from Third street to Jackson avenue, in the first ward of Long Island City."

"An act extending the time for Maria Matilda Thompson to file her claim for damages with the Canal Appraisers."

"An act to further amend chapter 150 of the Laws of 1872, entitled 'An act to incorporate the city of Kingston.'"

"An act to amend chapter 269 of the Laws of 1872, entitled 'An act authorizing the construction of a bridge across the Hudson river at the city of Albany, and incorporating the Albany and Greenbush Bridge Company.'"

"An act to amend chapter 177 of the Laws of 1872, entitled 'An act in relation to the establishment and care of a cemetery in the village of Geneva, Ontario county, and to provide means for the same.'"

"An act to amend chapter 366 of the Laws of 1859, entitled 'An act to establish an insurance department.'"

"An act in relation to the appointment of a State agent for the guidance and employment of discharged convicts."

"An act to authorize the Ogdensburgh and Lake Champlain Railroad Company to issue preferred stock."

"An act to provide for a deficiency in the appropriation for the ordinary repairs of canals for the fiscal year ending September 30, 1877."

"An act relating to highways in the town of Eastchester, Westchester county."

"An act to amend section 16 of title 3, of chapter 6 of part 1 of the Revised Statutes, entitled 'Of the mode of notifying general and special elections.'"

"An act to amend chapter 176 of the Laws of 1876, entitled 'An act supplementary to chapter 60 of the Laws of 1813, entitled An act to provide for the incorporation of religious societies, and the acts supplementary thereto.'"

"An act so provide a station-house, prison and lodging house for the Thirtieth police precinct of the city of New York."

The Assembly returned the concurrent resolution to print 1,000 extra copies of the thirty-second annual report of the Prison Association, with a message that they had concurred therein.

The Assembly returned the following entitled Assembly bill, with a message that they had agreed to the report of the committee of conference thereon:

"An act to amend chapter 497 of the Laws of 1870, entitled 'An act to establish a police force in the county of Richmond.'"

*Ordered*, That the Clerk return said bill to the Assembly.

The Assembly returned the bill entitled "An act to incorporate the Brooklyn and Jersey City Ferry Company," with a message that they do non-concur in the passage of the same.

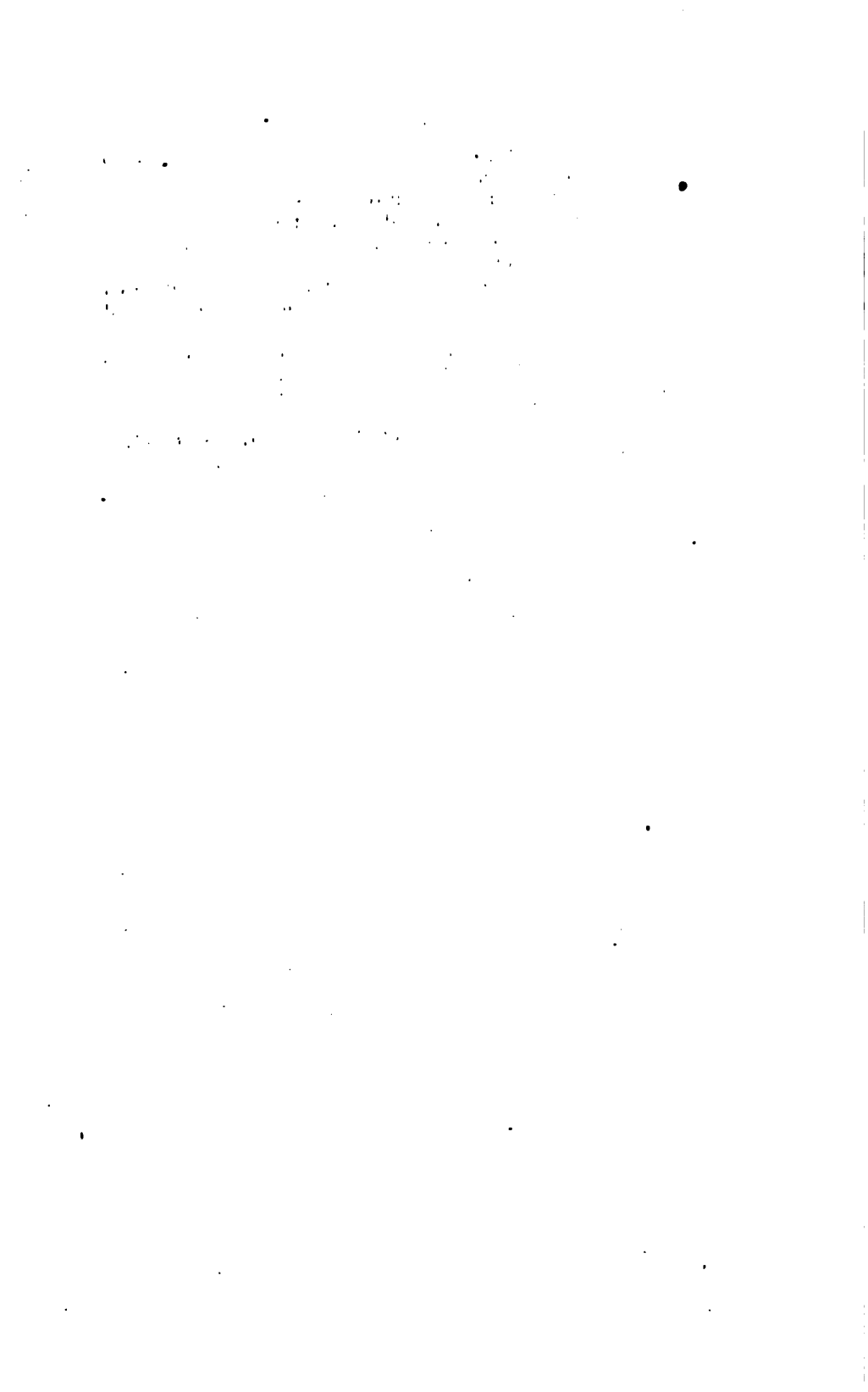
Messrs. Husted and Childs, a committee from the Assembly, appeared in the Senate and stated that the Assembly had finished its business and was prepared to adjourn.

Mr. Jacobs, from the committee appointed to wait upon the Assembly, reported that the committee had performed that duty.

The hour of four o'clock having arrived, the President declared the Senate adjourned.

HENRY A. GLIDDEN, *Clerk*.





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